

*Hanoi, August 26, 2020*

**DECREE**

**Providing penalties on administrative violations in commercial activities, production of, trading in counterfeit or banned goods and protection of consumer rights**

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

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

*Pursuant to the Law on Investment dated November 26, 2014 and the Law dated November 22, 2016 amending and supplementing Article 6 and Appendix 4 of the List of conditional business lines and investment sectors articulated in the Law on Investment;*

*Pursuant to the Law on Enterprises dated November 26, 2014;*

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

*Pursuant to the Law on Foreign Trade Management dated June 12, 2017;*

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

*Pursuant to the Law on Quality of Products and Goods dated November 21, 2007;*

*Pursuant to the Law on Prevention and Control of Tobacco Harms dated June 18, 2012;*

*Pursuant to the Law on Prevention and Control of Harms of Liquor and Beer Abuse dated June 14, 2019;*

*Pursuant to the Law on Pharmacy dated April 6, 2016;*

*Pursuant to the Law on Protection of Consumer Rights dated November 17, 2010;*

*At the proposal of the Minister of Industry and Trade;*

*The Government promulgates the Decree providing penalties on administrative violations in commercial activities, production of, trading in counterfeit goods or banned goods, and protection of consumer rights.*

## **Chapter I**

### **GENERAL PROVISIONS**

#### **Article 1. Scope of regulation**

1. This Decree provides for acts of violation, forms and levels of penalties, remedial measures as well as the authority to make records and to impose penalties on administrative violations in commercial activities, production of, trading in counterfeit or banned goods and protection of consumer rights.

2. Acts of violation in commercial activities, production of, trading in counterfeit or banned goods, and protection of consumer rights specified in this Decree are:

a) Acts of violation related to business activities specified in business licenses, unless otherwise specified in the Decree providing penalties on administrative violations under other fields of State management;

b) Acts of trading in banned services, production of and trading in counterfeit or banned goods;

c) Acts of trading in smuggled goods; goods circulated in domestic market which are applied with emergency measures; expired goods, goods of unknown origins, and other violations;

d) Acts of violation related to trading in tobacco;

dd) Acts of violation related to trading in liquor;

e) Acts of hoarding and speculating in goods;

g) Acts of violation related to trade promotion activities;

h) Acts of violation in import or export of goods, and services related to goods import or export;

i) Acts of violation in protection of consumer rights;

k) Acts of violation in e-commerce;

l) Acts of violation related to establishment and operation of commercial activities by foreign entrepreneurs and foreigners in Vietnam;

m) Other acts of violation related to commercial activities.

3. Other administrative violations in commercial activities pertaining to trade of petroleum oils, liquefied petroleum gas; prices, listing prices of goods or services; documents, invoices in purchasing or selling goods, services; measurement, standards, and quality of goods being circulated or traded in the market; goods labels; intelligent properties; business registration procedures; signboards; commercial advertisements; goods auctions; goods and service bidding; purchase, sale or exchange of goods among residents in border areas and other acts of violation shall be governed by provisions of penalties on

administrative violations under relevant fields of State management.

4. Regarding acts of speculation, hoarding of goods, bidding for goods, services and commercial franchising showing signs of anti-competitive behaviors as specified by law provisions on competition, the provisions on investigation and handling of violations of competition laws shall be applied.

5. Regarding acts of violation related to imported or exported goods, goods in transit, means of transportation on exit or entry, transit, which are discovered by customs offices within their areas of customs operation, provisions specified in the Government's Decree on penalties on administrative violations in customs sector shall be applied. In cases where the Government's Decree on penalties on administrative violations in customs sector do not govern, this Decree shall prevail.

## **Article 2. Subjects of administrative penalties**

1. Vietnamese or foreign individuals, organizations that commit acts of violation as specified of this Decree in the territory of Vietnam.

2. Business households which are legally established; households involved in agricultural, forestry, aquaculture and sea salt production; and street vendors, hucksters, merchants, mobile traders, low-income service providers who are not subject to business registration in accordance with law provisions, in cases where violating provisions as specified of this Decree, shall be imposed with penalties for violating individuals.

3. Organizations specified in Clause 1 of this Article are:

a) Enterprises established and operated in accordance with the Law on Enterprises; cooperatives and union of cooperatives established in accordance with the Law on Cooperatives; other economic organizations established and operated in accordance with law provisions, and affiliated units of the above-mentioned economic organizations.

b) Representative offices and branches of foreign entrepreneurs in Vietnam; representative offices of foreign trade promotion organizations in Vietnam;

c) Other organizations established in accordance with law provisions.

## **Article 3. Interpretation of terms**

According to this Decree, the following terms shall be construed as follows:

1. "Production" is the implementation of one, several or all activities of manufacturing, publishing, printing, processing, ordering, initial processing, processing, extracting, recycling, assembling, mixing, dispensing, abstracting, feeding, packaging and other goods manufacturing activities.

2. "Trading" is the implementation of one, several or all activities of offering, displaying, storing, reserving, transporting, wholesaling, retailing, exporting, importing and other activities of putting goods into circulation.

3. "Goods circulated in the market" include goods displayed, promoted, reserved, and stored in the process of goods trading.

4. "Business licenses" include licenses, certificates of eligibility, certificates of professional liability insurance, written certification, and other forms of documents specifying the conditions which individuals and organizations must satisfy in order to conduct business investment activities, granted by State agencies or competent persons to such individuals or organizations in accordance with law provisions.

5. "Banned goods" include goods banned from being traded, circulated, or used in Vietnam.

6. "Smuggled goods" include:

a) Goods are banned from import or temporarily suspended of import in accordance with law provisions, unless otherwise permitted by the Prime Minister.

b) Goods which are imported in accordance with import licenses but the import licenses cannot be presented, or conditional goods which are imported without satisfying the conditions as prescribed by law provisions;

c) Goods which are not imported via specified border gates, or transported without customs clearance procedures conducted in accordance with law provisions, or fraudulently declared in terms of quantities or categories when conducting customs clearance procedures;

d) Imported goods which are circulated in the market without accompanied invoices or documents as prescribed by law provisions, or circulated with illegal accompanied invoices or documents in accordance with provisions on management of invoices;

dd) Legally imported goods requiring import stamps as prescribed by law provisions, which are stuck with no import stamp, or counterfeit or used stamps.

7. "Counterfeit goods" include:

a) Goods having use-value or use(s) that are inconsistent with their nature and appellations; goods having no use-value or use, or goods having the use-value and use(s) which are not accurate as previously announced or registered;

b) Goods having at least one of their main quality criteria or technical properties, or determined contents of the main components constituting their use-value or use(s) reaching only 70% and lower of the minimum level according to the quality criteria or technical standards already registered, notified of application or printed on the labels or packages of the goods;

c) Counterfeit medications as specified in Clause 33, Article 2 of the 2016 Law on Pharmacy and counterfeit drug substances as specified in Clause 34, Article 2 of the 2016 Law on Pharmacy;

d) Veterinary drugs and insecticides without active elements; with

insufficient active elements as registered; with active elements different from those stated on labels or packages of the goods; with contents of at least one active element reaching only 70% and lower of the minimum level according to the quality criteria or technical standards already registered, notified of application or printed on the labels or packages of the goods;

dd) Goods having labels or packages with names or addresses forging other organizational or individual manufacturers, importers and distributors; forging circulation registration codes, announcement codes, bar codes or goods packages of other organizations or individuals; forging the origins or places of manufacturing, packaging or assembling of goods;

e) Counterfeit stamps, labels or packages.

8. "Counterfeit stamps, labels or packages" include decals, goods labels, goods packages, quality stamps, quality seals, country-of-origin labels, warranty cards, seals on shrinkable films or other items of business individuals or organizations with indications forging names and addresses of others; forging trade names or product names, bar codes, circulation registration codes, or announcement codes of the goods or goods packages of others.

9. "Exhibits" include objects, money, documents, finished or unfinished products which are related to administrative violations.

10. "Means of violation" include means of transportation, tools, or machineries which are used to commit administrative violations.

11. "Consumer confidential information" is personal information of the consumers on which the consumers, or relevant organizations or individuals, have taken confidentiality measures, and that such information is disclosed or used without their prior consents will cause negative effects on their health, lives, properties, or other physical or mental damages to the consumers.

12. "Third parties providing information about goods or services to consumers" are organizations or individuals requested by organizations or individuals trading in goods or services to provide information about the goods or services, including:

a) Organizations or individuals conducting the service of providing information about goods or services to consumers;

b) Organizations or individuals participating in the elaboration of information about goods or services;

c) Owners of media means, providers of telecommunication services;

d) Other organizations, individuals who are requested to provide information.

13. "Goods of unknown origin" are goods being circulated on the market without bases for determining where the goods are from or where the goods are manufactured. Base for determining where the goods are from or where the goods

are manufactured are information presented on the goods labels, packages or accompanied documents; goods certificates of origin, sale and purchase contracts, invoices, customs declarations, and other papers proving legal ownership of goods and civil transactions between goods-producing organizations and individuals with related parties in accordance with law provisions.

#### **Article 4. Penalties on administrative violations and remedial measures**

##### 1. Principle penalties:

- a) Warning;
- b) Fine.

##### 2. Additional penalties:

a) Deprivation of the right to use licenses or practice certificates for a period of between 01 month and 24 months or suspension of operations for a period of between 01 month and 24 months;

b) Confiscation of exhibits of administrative violations and means used to commit administrative violations (hereinafter referred to as confiscation of exhibits and means of violation).

##### 3. Remedial measures:

a) Forcible bringing out of the territory of the Socialist Republic of Vietnam or forcible re-export of goods, items or means;

b) Forcible destruction of goods or items harmful to human health, domestic animals, plants and the environment, or cultural products with harmful contents;

c) Forcible correction of false or misleading information;

d) Forcible elimination of violated factors on the labels or packages of goods, means of trading or items;

dd) Forcible recall of products or goods of poor quality;

e) Forcible surrendering of illegal benefits gained from committing administrative violations or forcible surrendering of money equal to the value of material evidence and/or means of violation that have been illegally sold, dispersed or destroyed in accordance with law provisions;

g) Forcible recall of goods with defects;

h) Forcible cancellation of results of prize draws and re-opening of promotional games of chance;

i) Forcible modification of a signed contract or modification of contracts in line with contract models or general transaction conditions as prescribed by law provisions;

k) Forcible revocation of the domain name ".vn" of e-commerce websites or forcible removal of mobile applications from application stores or on provided

addresses.

4. Levels of fine:

a) The maximum fine level in the field of commerce and protection of consumer rights is VND 100,000,000 for an individual and VND 200,000,000 for an organization; the maximum fine level in the field of production of and trading in counterfeit and banned goods is VND 200,000,000 for an individual and VND 400,000,000 for an organization;

b) The fines specified in Chapter II of this Decree are applicable to administrative violations committed by individuals, except for those specified at Point p, Clause 2 of Article 33, Clause 2 of Article 34, Point b, Clause 4 of Article 35, Article 68, Article 70, Clauses 6, 7, 8, 9 of Article 73 and Clauses 6, 7, 8 of Article 77 of this Decree. For organizations with the same acts of violation, the fine level shall be double the fine for individuals.

**Article 5. Determination of values of exhibits and means of administrative violation, serving as the basis for determination of the frame of fines and the authority to impose penalties**

1. The determination of values of exhibits and means of administrative violation specified of this Decree shall be carried out on one of the bases in a prioritized order as specified at Points a, b and c, Clause 2, Article 60 of the Law on Handling of Administrative Violations.

2. The prices of exhibits which are counterfeit goods as specified at Points a, b, c, d, dd, and e of Clause 7, Article 3 of this Decree are the market prices of authentic goods or goods with similar features, techniques and uses at the time and place that the administrative violations are discovered in accordance with Point d, Clause 2, Article 60 of the Law on Handling of Administrative Violations. In cases where the prices cannot be determined as aforementioned, the values shall be determined in accordance with Clause 1 of this Article.

3. In cases where the bases as specified in Clauses 1 and 2 of this Article cannot be applied, the official authorized to handle the case shall issue decisions to seize the exhibits and establish a council for valuation in accordance with Clause 3, Article 60 of the Law on Handling of Administrative Violations.

**Chapter II**  
**ACTS OF VIOLATION, FORMS AND LEVELS OF PENALTIES,**  
**REMEDIAL MEASURES**

**Section 1**  
**ACTS OF VIOLATION RELATED TO BUSINESS ACTIVITIES**  
**SPECIFIED IN BUSINESS LICENSES**

**Article 6. Acts of violation related to business activities specified in**

## **business licenses**

1. A fine of between VND 3,000,000 and VND 5,000,000 shall be imposed on one of following acts:

a) Self-writing additionally, erasing, amending contents recorded in the business licenses

b) Leasing, lending, mortgaging, pledging, selling or transferring business licenses;

c) Renting, borrowing, receiving business licenses as pledges or mortgages, purchasing or receiving the transfer of business licenses;

2. A fine of between VND 5,000,000 and VND 10,000,000 shall be imposed on doing business which does not comply with the scopes, objects, scales, durations, areas, locations, or categories of goods recorded in the granted business licenses.

3. A fine of between VND 10,000,000 and VND 15,000,000 shall be imposed on one of the following acts:

a) Trading in goods or services of conditional business lines without business licenses in accordance with law provisions;

b) Trading in goods or services of conditional business lines with the granted business licenses which are expired;

c) Trading in goods or services of conditional business lines but failing to satisfy the prescribed conditions when doing the business;

d) Using business licenses of other entrepreneurs to do the business.

4. A fine of between VND 15,000,000 and VND 20,000,000 shall be imposed on acts of continuing business activities even when the competent State agencies have suspended the business operations, deprived the rights to use business licenses or withdrawn the business licenses.

5. A fine doubling the fine level specified in between Clause 1 and Clause 5 of this Article shall be imposed on producers of industrial liquors, traders of raw tobacco; producers of tobacco products, traders involved in distribution or wholesale of liquors and tobacco products, who commit acts of violation.

6. Additional penalties:

a) Confiscation of exhibits for acts of violation specified at Point a, Clause 1 of this Article;

b) Deprivation of the right to use business licenses for a period of between 01 month and 03 months for acts of violation specified at Point b of Clause 1, Clause 2 and Point c of Clause 3 of this Article, in cases of repeated violations or recidivism.

7. Remedial measure:

Forcible surrendering of illegal benefits gained from committing administrative violations specified at Point b of Clause 1, Clauses 2, 3, 4 of this Article.

## **Section 2**

### **ACTS OF TRADING IN BANNED SERVICES, MANUFACTURING AND TRADING IN COUNTERFEIT AND BANNED GOODS**

#### **Article 7. Acts of trading in services on the list of business lines banned from investment and trading**

1. A fine of between VND 60,000,000 and VND 80,000,000 shall be imposed on acts of providing services on the list of business lines banned from investment and trading.

2. Additional penalty:

Confiscation of exhibits and means of violation for acts of violation specified in Clause 1 of this Article.

3. Remedial measure:

Forcible surrendering of illegal benefits gained from committing acts of violation specified in Clause 1 of this Article.

#### **Article 8. Acts of producing, trading, transporting, storing, and delivering banned goods**

1. A fine of between VND 1,000,000 and VND 3,000,000 shall be imposed on one of the following acts:

a) Trading less than 5 kilograms or less than 5 liters of pesticides banned by the Government from trading, circulating or using;

b) Trading less than 50 packs (1 pack is equal to 20 cigarettes, for smuggled cigars and other finished tobacco products, 20g of them are equal to 1 pack) of smuggled cigarettes;

c) Trading less than 0.5 kilograms of firecrackers;

d) Trading other goods banned by the Government from trading, circulating, or using with the value of less than VND 3,000,000 or gaining illicit profits of less than VND 1,500,000.

2. A fine of between VND 3,000,000 and VND 5,000,000 shall be imposed for one of the following acts:

a) Trading from 5 to less than 10 kilograms or from 5 to less than 10 liters of pesticides banned by the Government from trading, circulating or using;

b) Trading from 50 to less than 100 packs of smuggled cigarettes;

c) Trading from 0.5 to less than 1 kilogram of firecrackers;

d) Trading other goods banned by the Government from trading, circulating, or using with the value of between VND 3,000,000 and less than VND

5,000,000 or gaining illicit profits of between VND 1,500,000 and less than VND 2,500,000.

3. A fine of between VND 5,000,000 and VND 10,000,000 shall be imposed for one of the following acts:

- a) Trading from 10 to less than 15 kilograms or from 10 to less than 15 liters of pesticides banned by the Government from trading, circulating or using;
- b) Trading from 100 to less than 300 packs of smuggled cigarettes;
- c) Trading from 1 to less than 2 kilograms of firecrackers;
- d) Trading other goods banned by the Government from trading, circulating, or using with the value of between VND 5,000,000 and less than VND 10,000,000 or gaining illicit profits of between VND 2,500,000 and less than VND 5,000,000.

4. A fine of between VND 10,000,000 and VND 30,000,000 shall be imposed on one of the following acts:

- a) Trading from 15 to less than 20 kilograms or from 15 to less than 20 liters of pesticides banned by the Government from trading, circulating or using;
- b) Trading from 300 to less than 500 packs of smuggled cigarettes;
- c) Trading from 2 to less than 3 kilograms of firecrackers;
- d) Trading other goods banned by the Government from trading, circulating, or using with the value of between VND 10,000,000 and less than 30,000,000 or gaining illicit profits of between VND 5,000,000 and less than VND 15,000,000.

5. A fine of between VND 30,000,000 and VND 50,000,000 shall be imposed on one of the following acts:

- a) Trading from 20 to less than 30 kilograms or from 20 to less than 30 liters of pesticides banned by the Government from trading, circulating or using;
- b) Trading from 500 to less than 1,000 packs of smuggled cigarettes;
- c) Trading from 3 to less than 4 kilograms of firecrackers;
- d) Trading other goods banned by the Government from trading, circulating, or using with the value of between VND 30,000,000 and less than VND 50,000,000 or gaining illicit profits of between VND 15,000,000 and less than VND 25,000,000.

6. A fine of between VND 50,000,000 and VND 70,000,000 shall be imposed on one of the following acts:

- a) Trading from 30 to less than 40 kilograms or from 30 to less than 40 liters of pesticides banned by the Government from trading, circulating or using;
- b) Trading from 1,000 to less than 1,200 packs of smuggled cigarettes;
- c) Trading from 4 to less than 5 kilograms of firecrackers;

d) Trading other goods banned by the Government from trading, circulating, or using with the value of between VND 50,000,000 and less than VND 70,000,000 or gaining illicit profits of between VND 25,000,000 and less than VND 35,000,000.

7. A fine of between VND 70,000,000 and VND 90,000,000 shall be imposed on one of the following acts:

a) Trading from 40 to less than 50 kilograms or from 40 to less than 50 liters of pesticides banned by the Government from trading, circulating or using;

b) Trading from 1,200 to less than 1,500 packs of smuggled cigarettes;

c) Trading from 5 to less than 6 kilograms of firecrackers;

d) Trading other goods banned by the Government from trading, circulating or using with the value of between VND 70,000,000 and less than 100,000,000 or gaining illicit profits of between VND 35,000,000 and less than VND 50,000,000.

8. A fine of between VND 90,000,000 and VND 100,000,000 shall be imposed for one of the following acts in cases where it is not examined for penal liability:

a) Trading 50 kilograms or 50 liters or more of pesticides banned by the Government from trading, circulating or using;

b) Trading 1,500 packs or more of smuggled cigarettes;

c) Trading 6 kilograms or more of firecrackers;

d) Trading other goods banned by the Government from trading, circulating or using with the value of VND 100,000,000 or more or gaining illicit profits of VND 50,000,000 or more.

9. A fine doubling the fine level specified in between Clause 1 and Clause 8 of this Article shall be imposed on acts of producing banned goods respectively specified in between Clause 1 and Clause 8 of this Article.

10. The fine levels specified in between Clause 1 and Clause 8 of this Article shall be also applicable to:

a) Acts of transporting banned goods;

b) Acts of stockpiling banned goods;

c) Delivering and receiving banned goods.

11. Additional penalties:

a) Confiscation of exhibits for acts of violation specified in this Article, except for those applied with the remedial measures specified at Point a, Clause 12 of this Article;

b) Confiscation of tools and machineries used for the production of banned goods, for acts of violation specified in Clause 9 of this Article;

c) Confiscation of means of transport used to transport banned goods for

acts of violation specified in this Article in cases where the quantity, weight, and value of the banned goods or illicit profits are specified in Clauses 6, 7 and 8 of this Article, or in the case of repeated violations or recidivism;

d) Deprivation of the right to use licenses or practice certificates for a period of between 01 month and 03 months, for acts of violation specified in this Article in cases of repeated violations or recidivism, except for those specified at Point dd of this Clause;

dd) Deprivation of the right to use licenses or practice certificates for a period of between 03 months and 06 months, for acts of violation specified in Clause 9 of this Article.

## 12. Remedial measures:

a) Forcible destruction of goods or items harmful to human health, domestic animals, plants and the environment, or cultural products with harmful contents, for acts of violation specified in this Article;

b) Forcible surrendering of illegal benefits gained from committing acts of violation specified in this Article.

13. Acts of producing and/or trading in goods which have not yet been permitted for circulation or using in Vietnam shall be governed by the provisions of the Government's decrees on penalties for administrative violations in relevant fields.

## **Article 9. Acts of trading in goods with counterfeit use-value or use(s)**

1. Acts of trading in goods with counterfeit use-value or use(s) as specified at Points a, b, c and d, Clause 7, Article 3 of this Decree shall be imposed with penalties as follows:

a) A fine of between VND 1,000,000 and VND 3,000,000 shall be imposed in cases where the counterfeit goods equivalent to a quantity of authentic goods valued at less than VND 3,000,000, or gaining illegal profits of less than VND 5,000,000;

b) A fine of between VND 3,000,000 and VND 5,000,000 shall be imposed in cases where the counterfeit goods equivalent to a quantity of authentic goods valued at between VND 3,000,000 and less than VND 5,000,000, or gaining illegal profits of between VND 5,000,000 and less than VND 10,000,000;

c) A fine of between VND 5,000,000 and VND 10,000,000 shall be imposed in cases where the counterfeit goods equivalent to a quantity of authentic goods valued at between VND 5,000,000 and less than VND 10,000,000, or gaining illegal profits of between VND 10,000,000 and less than VND 20,000,000;

d) A fine of between VND 10,000,000 and VND 30,000,000 shall be imposed in cases where the counterfeit goods equivalent to a quantity of authentic goods valued at between VND 10,000,000 and less than VND 20,000,000, or

gaining illegal profits of between VND 20,000,000 and less than VND 30,000,000;

dd) A fine of between VND 30,000,000 and VND 50,000,000 shall be imposed in cases where the counterfeit goods equivalent to a quantity of authentic goods valued at between VND 20,000,000 and less than VND 30,000,000, or gaining illegal profits of between VND 30,000,000 and less than VND 50,000,000;

e) A fine of between VND 50,000,000 and VND 70,000,000 shall be imposed in cases where the counterfeit goods equivalent to a quantity of authentic goods valued at VND 30,000,000 or more, or gaining illegal profits of VND 50,000,000 or more without being examined for penal liability.

2. A fine doubling the fine levels specified in Clause 1 of this Article shall be imposed on acts of importing counterfeit goods, or on the counterfeit goods themselves which are:

a) Foods, food additives, food processing aids, food preservatives, drugs, medicinal ingredients without being examined for penal liability;

b) Animal feeds, aquaculture feeds, aquaculture treatment products, livestock waste treatment products, fertilizers, veterinary drugs, pesticides, plant varieties, livestock breeds;

c) Cosmetics, medical stuffs, detergents, chemicals, insecticides and disinfectants for household and medical use, cement, construction iron and steel, and helmets.

3. Additional penalties:

a) Confiscation of exhibits for acts of violation specified in this Article, except for those applied with remedial measures as specified at Point a or Point b, Clause 4 of this Article;

b) Deprivation of the right to use licenses or practice certificates for a period of between 06 months and 12 months, for acts of violation specified in this Article in case of repeated violations or recidivism.

4. Remedial measures:

a) Forcible destruction of exhibits for acts of violation specified in this Article, except for those applied with remedial measures specified at Point b of this Clause;

b) Forcible bringing out of the territory of the Socialist Republic of Vietnam or forcible re-export of the counterfeit goods, for acts of importing counterfeit goods as specified in this Article;

c) Forcible surrendering of illegal benefits gained from committing acts of violation specified in this Article.

**Article 10. Acts of producing goods with counterfeit use-value or use(s)**

1. Acts of producing goods with counterfeit use-value or use(s) as specified at Points a, b, c and d, Clause 7, Article 3 of this Decree shall be imposed with penalties as follows:

a) A fine of between VND 5,000,000 and VND 10,000,000 shall be imposed in cases where the counterfeit goods equivalent to a quantity of authentic goods valued at less than VND 3,000,000, or gaining illegal profits of less than VND 5,000,000;

b) A fine of between VND 10,000,000 and VND 20,000,000 shall be imposed in cases where the counterfeit goods equivalent to a quantity of authentic goods valued at between VND 3,000,000 and less than VND 5,000,000, or gaining illegal profits of between VND 5,000,000 and less than VND 10,000,000;

c) A fine of between VND 20,000,000 and VND 30,000,000 shall be imposed in cases where the counterfeit goods equivalent to a quantity of authentic goods valued at between VND 5,000,000 and less than VND 10,000,000, or gaining illegal profits of between VND 10,000,000 and less than VND 20,000,000;

d) A fine of between VND 30,000,000 and VND 50,000,000 shall be imposed in cases where the counterfeit goods equivalent to a quantity of authentic goods valued at between VND 10,000,000 and less than VND 20,000,000, or gaining illegal profits of between VND 20,000,000 and less than VND 30,000,000;

dd) A fine of between VND 50,000,000 and VND 70,000,000 shall be imposed in cases where the counterfeit goods equivalent to a quantity of authentic goods valued at between VND 20,000,000 and less than VND 30,000,000, or gaining illegal profits of between VND 30,000,000 and less than VND 50,000,000;

e) A fine of between VND 70,000,000 and VND 100,000,000 shall be imposed in cases where the counterfeit goods equivalent to a quantity of authentic goods valued at VND 30,000,000 or more, or gaining illegal profits of VND 50,000,000 or more without being examined for penal liability.

2. A fine doubling the fine levels specified in Clause 1 of this Article shall be imposed on the counterfeit goods which are:

a) Foods, food additives, food processing aids, food preservatives, drugs, medicinal ingredients without being examined for penal liability;

b) Animal feeds, aquaculture feeds, aquaculture treatment products, livestock waste treatment products, fertilizers, veterinary drugs, pesticides, plant varieties, livestock breeds;

c) Cosmetics, medical stuffs, detergents, chemicals, insecticides and disinfectants for household and medical use, cement, construction iron and steel, and helmets.

3. Additional penalties:

a) Confiscation of exhibits for acts of violation specified in this Article, except for those applied with remedial measures as specified at Point a, Clause 4 of this Article;

b) Confiscation of tools and machineries used to manufacture counterfeit goods, for administrative violations specified in this Article;

c) Deprivation of the right to use licenses or practice certificates for a period of between 12 months and 24 months, for acts of violation specified in this Article in case of repeated violations or recidivism;

d) Suspension of several or all violated production activities for a period of between 12 months and 24 months, for acts of violation specified in this Article in case of repeated violations or recidivism.

#### 4. Remedial measures:

a) Forcible destruction of exhibits for acts of violation specified in this Article;

b) Forcible surrendering of illegal benefits gained from committing acts of violation specified in this Article.

### **Article 11. Acts of trading in goods with counterfeit labels or packages**

1. Acts of trading in goods with counterfeit labels or packages as specified at Point dd, Clause 7, Article 3 of this Decree shall be imposed with penalties as follows:

a) A fine of between VND 1,000,000 and VND 3,000,000 shall be imposed in cases where the counterfeit goods equivalent to a quantity of authentic goods valued at less than VND 3,000,000, or gaining illegal profits of less than VND 5,000,000;

b) A fine of between VND 3,000,000 and VND 5,000,000 shall be imposed in cases where the counterfeit goods equivalent to a quantity of authentic goods valued at between VND 3,000,000 and less than VND 5,000,000, or gaining illegal profits of between VND 5,000,000 and less than VND 10,000,000;

c) A fine of between VND 5,000,000 and VND 10,000,000 shall be imposed in cases where the counterfeit goods equivalent to a quantity of authentic goods valued at between VND 5,000,000 and less than VND 10,000,000, or gaining illegal profits of between VND 10,000,000 and less than VND 20,000,000;

d) A fine of between VND 10,000,000 and VND 20,000,000 shall be imposed in cases where the counterfeit goods equivalent to a quantity of authentic goods valued at between VND 10,000,000 and less than VND 20,000,000, or gaining illegal profits of between VND 20,000,000 and less than VND 30,000,000;

dd) A fine of between VND 20,000,000 and VND 30,000,000 shall be imposed in cases where the counterfeit goods equivalent to a quantity of authentic

goods valued at between VND 20,000,000 and less than VND 30,000,000, or gaining illegal profits of between VND 30,000,000 and less than VND 50,000,000;

e) A fine of between VND 30,000,000 and VND 50,000,000 shall be imposed in cases where the counterfeit goods equivalent to a quantity of authentic goods valued at VND 30,000,000 or more, or gaining illegal profits of VND 50,000,000 or more without being examined for penal liability.

2. A fine doubling the fine levels specified in Clause 1 of this Article shall be imposed on acts of importing counterfeit goods, or on the counterfeit goods themselves which are:

a) Foods, food additives, food processing aids, food preservatives, drugs, medicinal ingredients without being examined for penal liability;

b) Animal feeds, aquaculture feeds, aquaculture treatment products, livestock waste treatment products, fertilizers, veterinary drugs, pesticides, plant varieties, livestock breeds;

c) Cosmetics, medical stuffs, detergents, chemicals, insecticides and disinfectants for household and medical use, cement, construction iron and steel, and helmets.

3. Additional penalties:

a) Confiscation of exhibits for acts of violation specified in this Article, except for those applied with remedial measures as specified at Point a or Point b, Clause 4 of this Article;

b) Deprivation of the right to use licenses or practice certificates for a period of between 01 month and 03 months, for acts of violation specified in this Article in case of repeated violations or recidivism.

4. Remedial measures:

a) Forcible elimination of violated factors on the labels or packages of counterfeit goods, or forcible destruction of the counterfeit goods for acts of violation specified in this Article, except for those applied with remedial measures specified at Point b of this Clause;

b) Forcible bringing out of the territory of the Socialist Republic of Vietnam or forcible re-export of the counterfeit goods, for acts of importing counterfeit goods as specified in this Article;

c) Forcible surrendering of illegal benefits gained from committing acts of violation specified in this Article.

## **Article 12. Acts of producing goods with counterfeit labels or packages**

1. Acts of producing goods with counterfeit labels or packages as specified at Point dd, Clause 7, Article 3 of this Decree shall be imposed with penalties as follows:

a) A fine of between VND 2,000,000 and VND 5,000,000 shall be imposed in cases where the counterfeit goods equivalent to a quantity of authentic goods valued at less than VND 3,000,000, or gaining illegal profits of less than VND 5,000,000;

b) A fine of between VND 5,000,000 and VND 8,000,000 shall be imposed in cases where the counterfeit goods equivalent to a quantity of authentic goods valued at between VND 3,000,000 and less than VND 5,000,000, or gaining illegal profits of between VND 5,000,000 and less than VND 10,000,000;

c) A fine of between VND 8,000,000 and VND 15,000,000 shall be imposed in cases where the counterfeit goods equivalent to a quantity of authentic goods valued at between VND 5,000,000 and less than VND 10,000,000, or gaining illegal profits of between VND 10,000,000 and less than VND 20,000,000;

d) A fine of between VND 15,000,000 and VND 25,000,000 shall be imposed in cases where the counterfeit goods equivalent to a quantity of authentic goods valued at between VND 10,000,000 and less than VND 20,000,000, or gaining illegal profits of between VND 20,000,000 and less than VND 30,000,000;

dd) A fine of between VND 25,000,000 and VND 40,000,000 shall be imposed in cases where the counterfeit goods equivalent to a quantity of authentic goods valued at between VND 20,000,000 and less than VND 30,000,000, or gaining illegal profits of between VND 30,000,000 and less than VND 50,000,000;

e) A fine of between VND 40,000,000 and VND 50,000,000 shall be imposed in cases where the counterfeit goods equivalent to a quantity of authentic goods valued at VND 30,000,000 or more, or gaining illegal profits of VND 50,000,000 or more without being examined for penal liability.

2. A fine doubling the fine levels specified in Clause 1 of this Article shall be imposed on the counterfeit goods which are:

a) Foods, food additives, food processing aids, food preservatives, drugs, medicinal ingredients without being examined for penal liability;

b) Animal feeds, aquaculture feeds, aquaculture treatment products, livestock waste treatment products, fertilizers, veterinary drugs, pesticides, plant varieties, livestock breeds;

c) Cosmetics, medical stuffs, detergents, chemicals, insecticides and disinfectants for household and medical use, cement, construction iron and steel, and helmets.

3. Additional penalties:

a) Confiscation of exhibits for acts of violation specified in this Article, except for those applied with remedial measures as specified at Point a, Clause 4 of this Article;

b) Confiscation of tools and machineries used to manufacture counterfeit goods, for administrative violations specified in this Article;

c) Deprivation of the right to use licenses or practice certificates for a period of between 03 months and 06 months, for acts of violation specified in this Article in case of repeated violations or recidivism;

d) Suspension of several or all violated production activities for a period of between 03 months and 06 months, for acts of violation specified in this Article in case of repeated violations or recidivism.

#### 4. Remedial measures:

a) Forcible elimination of violated factors on the labels or packages of counterfeit goods, or forcible destruction of the counterfeit goods for acts of violation specified in this Article;

b) Forcible surrendering of illegal benefits gained from committing acts of violation specified in this Article.

### **Article 13. Acts of trading in counterfeit goods stamps, labels and packages**

1. Acts of trading in counterfeit goods stamps, labels and packages as specified at Point e, Clause 7, Article 3 of this Decree shall be imposed with penalties as follows:

a) A fine of between VND 300,000 and VND 500,000 shall be imposed in cases where the quantity of counterfeit stamps, labels or packages of goods is less than 100 pieces, sheets or other equivalent units (hereinafter referred to as units);

b) A fine of between VND 500,000 and VND 1,000,000 shall be imposed in cases where the quantity of counterfeit stamps, labels or packages of goods is between 100 units and less than 500 units;

c) A fine of between VND 1,000,000 and VND 3,000,000 shall be imposed in cases where the quantity of counterfeit stamps, labels or packages of goods is between 500 units and less than 1,000 units;

d) A fine of between VND 3,000,000 and VND 5,000,000 shall be imposed in cases where the quantity of counterfeit stamps, labels or packages of goods is between 1,000 units and less than 2,000 units;

dd) A fine of between VND 5,000,000 and VND 10,000,000 shall be imposed in cases where the quantity of counterfeit stamps, labels or packages of goods is between 2,000 units and less than 3,000 units;

e) A fine of between VND 10,000,000 and VND 15,000,000 shall be imposed in cases where the quantity of counterfeit stamps, labels or packages of goods is between 3,000 units and less than 5,000 units;

g) A fine of between VND 15,000,000 and VND 20,000,000 shall be imposed in cases where the quantity of counterfeit stamps, labels or packages of goods is between 5,000 units and less than 10,000 units;

h) A fine of between VND 20,000,000 and VND 30,000,000 shall be imposed in cases where the quantity of counterfeit stamps, labels or packages of goods is 10,000 units or more without being examined for penal liability.

2. A fine doubling the fine levels specified in Clause 1 of this Article shall be imposed on the following cases:

- a) Acts of importing counterfeit stamps, labels or packages of goods;
- b) Counterfeit stamps, labels or packages of foods, food additives, food processing aids, food preservatives, vaccines, drugs, medicinal ingredients, cosmetics, medical stuffs, and helmets;
- c) Counterfeit stamps, labels or packages of detergents, chemicals, insecticides and disinfectants for household and medical use, animal feeds, aquaculture feeds, aquaculture treatment products, livestock waste treatment products, fertilizers, veterinary drugs, pesticides, plant varieties, livestock breeds, cement, construction iron and steel.

3. Additional penalties:

a) Confiscation of exhibits for acts of violation specified in this Article, except for those applied with remedial measures as specified at Point a, Clause 4 of this Article;

b) Deprivation of the right to use licenses or practice certificates for a period of between 01 month and 03 months, for acts of violation specified in this Article in case of repeated violations or recidivism.

4. Remedial measures:

a) Forcible destruction of counterfeit stamps, labels or packages of for acts of violation specified in this Article;

b) Forcible surrendering of illegal benefits gained from committing acts of violation specified in this Article.

#### **Article 14. Acts of producing counterfeit goods stamps, labels and packages**

1. Acts of producing counterfeit goods stamps, labels and packages as specified at Point e, Clause 7, Article 3 of this Decree shall be imposed with penalties as follows:

a) A fine of between VND 500,000 and VND 1,000,000 shall be imposed in cases where the quantity of counterfeit stamps, labels or packages of goods is less than 100 pieces, sheets or other equivalent units (hereinafter referred to as units);

b) A fine of between VND 1,000,000 and VND 2,000,000 shall be imposed in cases where the quantity of counterfeit stamps, labels or packages of goods is between 100 units and less than 500 units;

c) A fine of between VND 2,000,000 and VND 5,000,000 shall be imposed

in cases where the quantity of counterfeit stamps, labels or packages of goods is between 500 units and less than 1,000 units;

d) A fine of between VND 5,000,000 and VND 10,000,000 shall be imposed in cases where the quantity of counterfeit stamps, labels or packages of goods is between 1,000 units and less than 2,000 units;

dd) A fine of between VND 10,000,000 and VND 20,000,000 shall be imposed in cases where the quantity of counterfeit stamps, labels or packages of goods is between 2,000 units and less than 3,000 units;

e) A fine of between VND 20,000,000 and VND 30,000,000 shall be imposed in cases where the quantity of counterfeit stamps, labels or packages of goods is between 3,000 units and less than 5,000 units;

g) A fine of between VND 30,000,000 and VND 40,000,000 shall be imposed in cases where the quantity of counterfeit stamps, labels or packages of goods is between 5,000 units and less than 10,000 units;

h) A fine of between VND 40,000,000 and VND 50,000,000 shall be imposed in cases where the quantity of counterfeit stamps, labels or packages of goods is 10,000 units or more without being examined for penal liability.

2. A fine doubling the fine levels specified in Clause 1 of this Article shall be imposed on the following cases:

a) Counterfeit stamps, labels or packages of foods, food additives, food processing aids, food preservatives, vaccines, drugs, medicinal ingredients, cosmetics, medical stuffs, and helmets;

b) Counterfeit stamps, labels or packages of detergents, chemicals, insecticides and disinfectants for household and medical use, animal feeds, aquaculture feeds, aquaculture treatment products, livestock waste treatment products, fertilizers, veterinary drugs, pesticides, plant varieties, livestock breeds, cement, construction iron and steel.

3. Additional penalties:

a) Confiscation of the counterfeit stamps, labels or packages of goods for acts of violation specified in this Article, except for those applied with remedial measures as specified at Point a, Clause 4 of this Article;

b) Confiscation of tools and machineries used to produce the counterfeit stamps, labels or packages of goods, for administrative violations specified in this Article;

c) Deprivation of the right to use licenses or practice certificates for a period of between 03 months and 06 months, for acts of violation specified in this Article in case of repeated violations or recidivism.

d) Suspension of several or all violated production activities for a period of between 03 months and 06 months, for acts of violation specified in this Article.

4. Remedial measures:

a) Forcible destruction of counterfeit stamps, labels or packages of for acts of violation specified in this Article;

b) Forcible surrendering of illegal benefits gained from committing acts of violation specified in this Article.

### **Section 3**

## **ACTS OF TRADING IN SMUGGLED GOODS; GOODS CIRCULATED IN DOMESTIC MARKET WHICH ARE APPLIED WITH EMERGENCY MEASURES; EXPIRED GOODS, GOODS OF UNKNOWN ORIGINS, AND OTHER VIOLATIONS**

### **Article 15. Acts of trading in smuggled goods**

1. Acts of trading in smuggled goods shall be imposed with the penalties as follows:

a) A fine of between VND 500,000 and VND 1,000,000 shall be imposed in cases where the smuggled goods are valued at less than VND 3,000,000;

b) A fine of between VND 1,000,000 and VND 2,000,000 shall be imposed in cases where the smuggled goods are valued at between VND 3,000,000 and less than VND 5,000,000;

c) A fine of between VND 2,000,000 and VND 4,000,000 shall be imposed in cases where the smuggled goods are valued at between VND 5,000,000 and less than VND 10,000,000;

d) A fine of between VND 4,000,000 and VND 6,000,000 shall be imposed in cases where the smuggled goods are valued at between VND 10,000,000 and less than VND 20,000,000;

dd) A fine of between VND 6,000,000 and VND 10,000,000 shall be imposed in cases where the smuggled goods are valued at between VND 20,000,000 and less than VND 30,000,000;

e) A fine of between VND 10,000,000 and VND 20,000,000 shall be imposed in cases where the smuggled goods are valued at between VND 30,000,000 and less than VND 50,000,000;

g) A fine of between VND 20,000,000 and VND 30,000,000 shall be imposed in cases where the smuggled goods are valued at between VND 50,000,000 and less than VND 70,000,000;

h) A fine of between VND 30,000,000 and VND 40,000,000 shall be imposed in cases where the smuggled goods are valued at between VND 70,000,000 and less than VND 100,000,000;

i) A fine of between VND 40,000,000 and VND 50,000,000 shall be imposed in cases where the smuggled goods are valued at VND 100,000,000 or more.

2. A fine doubling the fine levels for acts of trading in smuggled goods specified in Clause 1 of this Article shall be imposed on the following cases:

a) The violators directly smuggle goods with a value of less than VND 100,000,000 or a value of VND 100,000,000 or more without being examined for penal liability;

b) Smuggled goods on the list of goods banned from import or temporarily suspended from import;

c) Smuggled goods are foods, food additives, food processing aids, food preservatives, vaccines, drugs, medicinal ingredients, cosmetics, medical stuffs, chemicals, insecticides and disinfectants for household and medical use, aquaculture treatment products, livestock waste treatment products, veterinary drugs, fertilizers, cement, animal feeds, pesticides, growth stimulants, plant varieties, and livestock breeds.

3. The fine levels specified in Clauses 1 and 2 of this Article are also applicable to:

a) Acts of intentionally transporting smuggled goods;

b) Acts of intentionally stockpiling smuggled goods;

c) Acts of intentionally delivering and receiving smuggled goods.

4. Additional penalties:

a) Confiscation of exhibits for acts of violation specified in this Article, except for those applied with remedial measures as specified at Point a, Clause 5 of this Article;

b) Confiscation of violated means of transport for acts of violation specified in this Article, in cases where the exhibits of violation are valued at VND 200,000,000 or more, or in case of repeated violations or recidivism.

5. Remedial measures:

a) Forcible destruction of goods or items harmful to human health, domestic animals, plants and the environment, or cultural products with harmful contents, goods without safe-use assurance, for acts of violation specified in this Article;

b) Forcible surrendering of illegal benefits gained from committing acts of violation specified in this Article.

#### **Article 16. Acts of trading in goods applied with emergency measures**

1. A warning or a fine of between VND 200,000 and VND 400,000 shall be imposed on one of the following acts in cases where the violated goods are valued at less than VND 1,000,000:

a) Trading in goods to which the measure of conditional circulation has been applied by competent State agencies, but the conditions are not satisfied, or for which licenses are required, but the licenses fail to be granted in accordance with law provisions;

b) Trading in goods to which emergency measures of forcible recall or suspension of circulation have been applied by competent State agencies.

2. A fine of between VND 400,000 and VND 600,000 shall be imposed on acts of violation specified in Clause 1 of this Article in cases where the violated goods are valued at between VND 1,000,000 and less than VND 2,000,000.

3. A fine of between VND 600,000 and VND 1,000,000 shall be imposed on acts of violation specified in Clause 1 of this Article in cases where the violated goods are valued at between VND 2,000,000 and less than VND 5,000,000.

4. A fine of between VND 1,000,000 and VND 3,000,000 shall be imposed on acts of violation specified in Clause 1 of this Article in cases where the violated goods are valued at between VND 5,000,000 and less than VND 10,000,000.

5. A fine of between VND 3,000,000 and VND 5,000,000 shall be imposed on acts of violation specified in Clause 1 of this Article in cases where the violated goods are valued at between VND 10,000,000 and less than VND 20,000,000.

6. A fine of between VND 5,000,000 and VND 10,000,000 shall be imposed on acts of violation specified in Clause 1 of this Article in cases where the violated goods are valued at between VND 20,000,000 and less than VND 30,000,000.

7. A fine of between VND 10,000,000 and VND 15,000,000 shall be imposed on acts of violation specified in Clause 1 of this Article in cases where the violated goods are valued at between VND 30,000,000 and less than VND 50,000,000.

8. A fine of between VND 15,000,000 and VND 20,000,000 shall be imposed on acts of violation specified in Clause 1 of this Article in cases where the violated goods are valued at between VND 50,000,000 and less than VND 70,000,000.

9. A fine of between VND 20,000,000 and VND 30,000,000 shall be imposed on acts of violation specified in Clause 1 of this Article in cases where the violated goods are valued at between VND 70,000,000 and less than VND 100,000,000.

10. A fine of between VND 30,000,000 and VND 50,000,000 shall be imposed on acts of violation specified in Clause 1 of this Article in cases where the violated goods are valued at VND 100,000,000 or more.

11. A fine doubling the fine level specified in between Clause 1 and Clause 10 of this Article shall be imposed on producers or importers committing the acts of violation.

12. Acts of trading in goods, to which the competent State management agencies have applied the emergency measure of banning from circulation, shall be imposed with penalties as prescribed in Article 8 of this Decree.

13. Remedial measure:

Forcible destruction of exhibits being goods or items harmful to human health, domestic animals, plants and the environment, or cultural products with

harmful contents, goods without safe-use assurance, for acts of violation specified in this Article.

**Article 17. Acts of violation on the shelf life of goods, goods of unknown origin, and other violations**

1. A warning or a fine of between VND 300,000 and VND 500,000 shall be imposed on one of the following acts of violation in cases where the violated goods are valued at less than VND 1,000,000:

a) Trading in goods (except for pesticides and animal feeds) after the expiry date indicated on their labels or packages;

b) Exchange fraudulently or changing labels or packages of goods, or erasing, modifying the expiry date on the labels or packages of goods, or committing other fraudulent acts in order to prolong the shelf life of goods;

c) Trading in goods of unknown origin;

d) Buying, selling, transporting, storing, and consuming minerals of illegal origin.

2. A fine of between VND 500,000 and VND 1,000,000 shall be imposed on acts of violation specified in Clause 1 of this Article in cases where the violated goods are valued at between VND 1,000,000 and less than VND 3,000,000.

3. A fine of between VND 1,000,000 and VND 3,000,000 shall be imposed on acts of violation specified in Clause 1 of this Article in cases where the violated goods are valued at between VND 3,000,000 and less than VND 5,000,000.

4. A fine of between VND 3,000,000 and VND 5,000,000 shall be imposed on acts of violation specified in Clause 1 of this Article in cases where the violated goods are valued at between VND 5,000,000 and less than VND 10,000,000.

5. A fine of between VND 5,000,000 and VND 7,000,000 shall be imposed on acts of violation specified in Clause 1 of this Article in cases where the violated goods are valued at between VND 10,000,000 and less than VND 20,000,000.

6. A fine of between VND 7,000,000 and VND 10,000,000 shall be imposed on acts of violation specified in Clause 1 of this Article in cases where the violated goods are valued at between VND 20,000,000 and less than VND 30,000,000.

7. A fine of between VND 10,000,000 and VND 15,000,000 shall be imposed on acts of violation specified in Clause 1 of this Article in cases where the violated goods are valued at between VND 30,000,000 and less than VND 40,000,000.

8. A fine of between VND 15,000,000 and VND 20,000,000 shall be imposed on acts of violation specified in Clause 1 of this Article in cases where the violated goods are valued at between VND 40,000,000 and less than VND 50,000,000.

9. A fine of between VND 20,000,000 and VND 30,000,000 shall be

imposed on acts of violation specified in Clause 1 of this Article in cases where the violated goods are valued at between VND 50,000,000 and less than VND 70,000,000.

10. A fine of between VND 30,000,000 and VND 40,000,000 shall be imposed on acts of violation specified in Clause 1 of this Article in cases where the violated goods are valued at between VND 70,000,000 and less than VND 100,000,000.

11. A fine of between VND 40,000,000 and VND 50,000,000 shall be imposed on acts of violation specified in Clause 1 of this Article in cases where the violated goods are valued at VND 100,000,000 or more.

12. A fine doubling the fine level specified in between Clause 1 and Clause 11 of this Article shall be imposed on producers or importers committing the acts of violation, or on the goods in one of the following cases:

a) Foods, food additives, food processing aids, food preservatives, vaccines and drugs, medicinal ingredients, cosmetics, medical stuffs;

b) Detergents, chemicals, insecticides and disinfectants for household and medical use, aquaculture treatment products, livestock waste treatment products, veterinary drugs, fertilizers, cement, growth stimulants, plant varieties, livestock breeds, aquatic breeds, aquaculture feeds;

c) Other goods on the list of business lines with conditional investment.

13. Additional penalties:

a) Confiscation of exhibits for acts of violation specified in this Article, except for those applied with remedial measures as specified at Point a, Clause 14 of this Article;

b) Confiscation of tools and machineries used to committing acts of violation specified at Point b, Clause 1 of this Article.

14. Remedial measures:

a) Forcible destruction of goods or items harmful to human health, domestic animals, plants and the environment for administrative violations specified at Points a, b, c, Clause 1 of this Article;

b) Forcible surrendering of illegal benefits gained from committing acts of violation specified in this Article.

#### **Section 4**

#### **ACTS OF VIOLATION RELATED TO TRADING IN TOBACCO**

#### **Article 18. Acts of violation in importing cigarettes, cigarette rolling papers and raw tobacco**

1. A fine of between VND 20,000,000 and VND 30,000,000 shall be imposed on one of the following acts:

a) Importing cigarettes that fail to meet food hygiene and safety

requirements as prescribed by law provisions;

b) Importing cigarettes that fail to meet the registered quality standards.

2. A fine of between VND 30,000,000 and VND 40,000,000 shall be imposed on one of the following acts:

a) Importing cigarette rolling papers and raw tobacco without import licenses as prescribed by law provisions;

b) Importing the quantity of cigarette rolling papers in excess of the announced annual import quota;

c) Importing cigarettes for commercial purposes that are inconsistent with the trademarks registered or protected in Vietnam.

3. Additional penalties:

a) Confiscation of exhibits for acts of violation specified in Clause 2 of this Article, except for those applied with remedial measures as specified at Point b, Clause 4 of this Article;

b) Deprivation of the right to use tobacco trading licenses for a period of between 03 months and 06 months for acts of violation specified in this Article, in cases of repeated violations or recidivism.

4. Remedial measures:

a) Forcible destruction of the violated goods for acts of violation specified in Clause 1 of this Article;

b) Forcible bringing out of the territory of the Socialist Republic of Vietnam or forcible re-export of the violated goods, for acts of violation specified in Clause 2 of this Article.

#### **Article 19. Acts of violation in buying, selling, or transferring cigarette stamps and rolling papers**

1. A fine of between VND 10,000,000 and VND 20,000,000 shall be imposed on acts of illegally buying, selling, or transferring cigarette stamps.

2. Acts of illegally buying, selling, or transferring cigarette rolling papers shall be imposed with penalties as follows:

a) A fine of between VND 10,000,000 and VND 20,000,000 shall be imposed in cases where the violated goods are valued at less than VND 10,000,000;

b) A fine of between VND 20,000,000 and VND 30,000,000 shall be imposed in cases where the violated goods are valued at between VND 10,000,000 and less than VND 20,000,000;

c) A fine of between VND 30,000,000 and VND 40,000,000 shall be imposed in cases where the violated goods are valued at between VND 20,000,000 and less than VND 50,000,000;

d) A fine of between VND 40,000,000 and VND 50,000,000 shall be imposed in cases where the violated goods are valued at between VND 50,000,000 and less than VND 100,000,000;

dd) A fine of between VND 50,000,000 and VND 60,000,000 shall be imposed in cases where the violated goods are valued at VND 100,000,000 or more.

### 3. Additional penalties:

a) Confiscation of exhibits for acts of violation specified in Clauses 1 and 2 of this Article;

b) Deprivation of the right to use tobacco trading licenses for a period of between 01 month and 03 months for acts of violation specified at Points d and dd, Clause 2 of this Article, in cases of repeated violations or recidivism.

### **Article 20. Acts of violation in stamping for imported cigarettes**

1. Acts of failing to stick import stamps on cigarettes imported for commercial purposes in accordance with law provisions shall be imposed with penalties as follows:

a) A fine of between VND 2,000,000 and VND 5,000,000 shall be imposed in cases where the violated goods are valued at less than VND 10,000,000;

b) A fine of between VND 5,000,000 and VND 10,000,000 shall be imposed in cases where the violated goods are valued at between VND 10,000,000 and less than VND 20,000,000;

c) A fine of between VND 10,000,000 and VND 15,000,000 shall be imposed in cases where the violated goods are valued at between VND 20,000,000 and less than VND 30,000,000;

d) A fine of between VND 15,000,000 and VND 20,000,000 shall be imposed in cases where the violated goods are valued at between VND 30,000,000 and less than VND 40,000,000;

dd) A fine of between VND 20,000,000 and VND 25,000,000 shall be imposed in cases where the violated goods are valued at between VND 40,000,000 and less than VND 50,000,000;

e) A fine of between VND 25,000,000 and VND 30,000,000 shall be imposed in cases where the violated goods are valued at between VND 50,000,000 and less than VND 60,000,000;

g) A fine of between VND 30,000,000 and VND 35,000,000 shall be imposed in cases where the violated goods are valued at between VND 60,000,000 and less than VND 70,000,000;

h) A fine of between VND 35,000,000 and VND 40,000,000 shall be imposed in cases where the violated goods are valued at between VND 70,000,000 and less than VND 80,000,000;

i) A fine of between VND 40,000,000 and VND 50,000,000 shall be imposed in cases where the violated goods are valued at between VND 80,000,000 and less than VND 100,000,000;

k) A fine of between VND 50,000,000 and VND 70,000,000 shall be imposed in cases where the violated goods are valued at VND 100,000,000 or more.

## 2. Additional penalties:

a) Confiscation of exhibits for acts of violation specified in this Article;

b) Deprivation of the right to use tobacco trading licenses for a period of between 03 months and 06 months for acts of violation specified at between Point dd and Point k, Clause 1 of this Article, in cases of repeated violations or recidivism.

## **Article 21. Acts of violation in stamping for domestically consumed cigarettes**

1. Acts of trading in domestically produced cigarettes without stamps of domestic consumption, or with the stamps in contravention of law provisions, shall be imposed with the penalties as follows:

a) A warning or a fine of between VND 200,000 and VND 500,000 shall be imposed in cases where the violated goods are valued at less than VND 1,000,000;

b) A fine of between VND 500,000 and VND 1,000,000 shall be imposed in cases where the violated goods are valued at between VND 1,000,000 and less than VND 2,000,000;

c) A fine of between VND 1,000,000 and VND 2,000,000 shall be imposed in cases where the violated goods have values are valued at between VND 2,000,000 and less than VND 5,000,000;

d) A fine of between VND 2,000,000 and VND 3,000,000 shall be imposed in cases where the violated goods are valued at between VND 5,000,000 and less than VND 10,000,000;

dd) A fine of between VND 3,000,000 and VND 5,000,000 shall be imposed in cases where the violated goods are valued at between VND 10,000,000 and less than VND 20,000,000;

e) A fine of between VND 5,000,000 and VND 7,000,000 shall be imposed in cases where the violated goods are valued at between VND 20,000,000 and less than VND 30,000,000;

g) A fine of between VND 7,000,000 and VND 10,000,000 shall be imposed in cases where the violated goods are valued at between VND 30,000,000 and less than VND 40,000,000;

h) A fine of between VND 10,000,000 and VND 13,000,000 shall be imposed in cases where the violated goods have values are valued at between

VND 40,000,000 and less than VND 50,000,000;

i) A fine of between VND 13,000,000 and VND 15,000,000 shall be imposed in cases where the violated goods are valued at between VND 50,000,000 and less than VND 60,000,000;

k) A fine of between VND 15,000,000 and VND 20,000,000 shall be imposed in cases where the violated goods are valued at between VND 60,000,000 and less than VND 70,000,000;

l) A fine of between VND 20,000,000 and VND 25,000,000 shall be imposed in cases where the violated goods are valued at between VND 70,000,000 and less than VND 80,000,000;

m) A fine of between VND 25,000,000 and VND 30,000,000 shall be imposed in cases where the violated goods are valued at between VND 80,000,000 and less than VND 90,000,000;

n) A fine of between VND 30,000,000 and VND 35,000,000 shall be imposed in cases where the violated goods are valued at between VND 90,000,000 and less than VND 100,000,000;

o) A fine of between VND 35,000,000 and VND 40,000,000 shall be imposed in cases where the violated goods are valued at VND 100,000,000 or more.

2. A fine doubling the fine level specified in Clause 1 of this Article shall be imposed on cigarette producers who fail to stick stamps of domestic consumption on their cigarettes in accordance with law provisions.

### 3. Additional penalties:

a) Deprivation of the right to use tobacco trading licenses for a period of between 01 month and 03 months, for acts of violation specified at between Point h and Point o, Clause 1 of this Article, in cases of repeated violations or recidivism;

b) Deprivation of the right to use tobacco trading licenses for a period of between 03 months and 06 months, for cigarette producers who fail to stick the stamps of domestic consumption on their tobacco products as specified in Clause 2 of this Article, in cases of repeated violations or recidivism.

## **Article 22. Acts of violation related to management of cigarette output**

1. Acts of producing an annual output of domestically consumed cigarettes in excess of the permitted output shall be imposed with penalties as follows:

a) A fine of between VND 10,000,000 and VND 20,000,000 shall be imposed in cases where the excess is less than 05% of the permitted output;

b) A fine of between VND 20,000,000 and VND 30,000,000 shall be imposed in cases where the excess is from 05% to less than 10% of the permitted output;

c) A fine of between VND 30,000,000 and VND 50,000,000 shall be imposed in cases where the excess is from 10% to less than 15% of the permitted output;

d) A fine of between VND 50,000,000 and VND 70,000,000 shall be imposed in cases where the excess is from 15% to less than 20% of the permitted output;

dd) A fine of between VND 70,000,000 and VND 100,000,000 shall be imposed in cases where the excess is 20% of the permitted output or more.

## 2. Additional penalties:

a) Confiscation of exhibits for acts of violation specified in this Article;

b) Deprivation of the right to use tobacco trading licenses for a period of between 01 month and 03 months for acts of violation specified in this Article, in cases of repeated violations or recidivism.

## 3. Remedial measure:

Forcible surrendering of illegal benefits gained from committing acts of violation specified in this Article.

## **Article 23. Acts of violation in selling tobacco products**

1. A fine of between VND 500,000 and VND 1,000,000 shall be imposed on acts of failing to hang notice boards of not selling cigarettes to persons under 18 years old at cigarette outlets in accordance with law provisions.

2. A fine of between VND 1,000,000 and VND 2,000,000 shall be imposed on one of the following acts:

a) Selling tobacco products to people under 18 years old;

b) Employing persons under 18 years old to sell cigarettes.

3. A fine of between VND 2,000,000 and VND 3,000,000 shall be imposed on acts of failing to comply with law provisions on display of cigarettes at the outlets.

4. A fine of between VND 3,000,000 and VND 5,000,000 shall be imposed on one of the following acts:

a) Failing to report or incorrectly reporting on the business situation and results, and the distribution system of tobacco product retailers in accordance with law provisions;

b) Selling cigarettes using automatic cigarette vending machines or selling cigarettes at prohibited places as prescribed by law provisions;

c) Selling cigarettes within 100 meters outside the nearest precinct of kindergartens, preschools, primary schools, secondary schools, high schools, medical research institutes, hospitals, maternity homes, preventive medicine centers, and commune-level health stations.

5. A fine of between VND 5,000,000 and VND 10,000,000 shall be imposed on acts of failing to report or incorrectly reporting on their business situation and results, and their cigarette distribution system by entrepreneurs that are distributors or wholesalers of tobacco products as prescribed by law provisions.

6. Additional penalties:

a) Confiscation of exhibits and means of violation for acts of violation specified at Points b and c, Clause 4 of this Article;

b) Deprivation of the right to use tobacco trading licenses for a period of between 01 month and 03 months for acts of violation specified at Points b and c, Clause 4 of this Article.

#### **Article 24. Acts of violation related to management of machineries and equipment specialized in cigarette production**

1. A fine of between VND 5,000,000 and VND 10,000,000 shall be imposed on acts of failing to comply with regulations on reporting on the import and use of specialized machineries and equipment for cigarette production as prescribed by law provisions.

2. A fine of between VND 10,000,000 and VND 20,000,000 shall be imposed on one of the following acts:

a) Disposing or destroying specialized cigarette machineries and equipment against law provisions;

b) Failing to re-export specialized cigarette machinery and equipment after the permitted period of temporary import expires in accordance with law provisions.

3. A fine of between VND 20,000,000 and VND 30,000,000 shall be imposed on acts of using specialized cigarette machineries and equipment without licenses for cigarette production or raw tobacco processing in accordance with law provisions.

4. A fine of between VND 30,000,000 and VND 50,000,000 shall be imposed on one of the following acts:

a) Buying, selling, renting, leasing or transferring the ownership or the right to use machineries and equipment specialized in cigarette production against law provisions;

b) Importing specialized cigarette machineries and equipment against law provisions or using imported cigarette machineries and equipment of illegal origin.

5. Additional penalty:

Confiscation of exhibits for acts of violation specified in Clause 4 of this Article.

6. Remedial measures:

- a) Forcible re-export of specialized cigarette machineries and equipment, for acts of violation specified at Point b, Clause 2 of this Article;
- b) Forcible surrendering of illegal benefits gained from committing acts of violation specified at Point a, Clause 2 and Point a, Clause 4 of this Article.

**Section 5**

**ACTS OF VIOLATION RELATED TO TRADING IN LIQUORS AND BEERS**

**Article 25. Acts of violation in registration for selling liquors with 5.5 percent alcohol by volume or more for local consumption, trading in liquors with less than 5.5 percent alcohol by volume, and producing manually liquors with 5.5 percent alcohol by volume or more in order to sell to establishments granted with licenses to produce liquors for reprocessing**

1. A fine of between VND 500,000 and VND 1,000,000 shall be imposed on acts of producing manually liquors with 5.5 percent alcohol by volume or more and selling such liquors to establishments, which are granted with licenses to produce liquors for reprocessing that has, without registration with the commune-level People's Committees where the production establishments are located.

2. A fine of between VND 1,000,000 and VND 3,000,000 shall be imposed on acts of selling liquors with 5.5 percent alcohol by volume or more for local consumption, or on acts of trading in liquors with less than 5.5 percent alcohol by volume without registration with the district-level Economic Divisions or the district-level Economic and Infrastructure Divisions in accordance with law provisions.

**Article 26. Acts of violation in import of liquors**

1. A fine of between VND 20,000,000 and VND 30,000,000 shall be imposed on one of the following acts:

a) Directly importing or entrusting the import of semi-finished liquors to produce finished liquors with 5.5 percent alcohol by volume or more without liquor trading licenses as prescribed by law provisions;

b) Selling imported semi-finished liquors with 5.5 percent alcohol by volume or more to those who do not have licenses for industrial liquor production.

2. Acts of importing liquors not via international border gates as prescribed in Article 15 of this Decree.

3. Additional penalty:

Deprivation of the right to use liquor trading licenses for a period of between 01 month and 03 months for acts of violation specified at Point b, Clause 1 of this Article, in cases of repeated violations or recidivism.

4. Remedial measure:

Forcible surrendering of illegal benefits gained from committing acts of violation specified at Point b, Clause 1 of this Article.

**Article 27. Acts of violation in stamping for imported alcohol products with 5.5 percent alcohol by volume or more**

1. Acts of failing to stick stamps of imported liquors to imported alcohol products with 5.5 percent alcohol by volume or more against law provisions shall be imposed with penalties as follows:

a) A fine of between VND 1,000,000 and VND 2,000,000 shall be imposed in cases where the violated goods are valued at less than VND 5,000,000;

b) A fine of between VND 2,000,000 and VND 5,000,000 shall be imposed in cases where the violated goods are valued at between VND 5,000,000 and less than VND 10,000,000;

c) A fine of between VND 5,000,000 and VND 10,000,000 shall be imposed in cases where the violated goods are valued at between VND 10,000,000 and less than VND 20,000,000;

d) A fine of between VND 10,000,000 and VND 15,000,000 shall be imposed in cases where the violated goods are valued at between VND 20,000,000 and less than VND 30,000,000;

dd) A fine of between VND 15,000,000 and VND 20,000,000 shall be imposed in cases where the violated goods are valued at between VND 30,000,000 and less than VND 40,000,000;

e) A fine of between VND 20,000,000 and VND 25,000,000 shall be imposed in cases where the violated goods are valued at between VND 40,000,000 and less than VND 50,000,000;

g) A fine of between VND 25,000,000 and VND 30,000,000 shall be imposed in cases where the violated goods are valued at between VND 50,000,000 and less than VND 60,000,000;

h) A fine of between VND 30,000,000 and VND 35,000,000 shall be imposed in cases where the violated goods are valued at between VND 60,000,000 and less than VND 70,000,000;

i) A fine of between VND 35,000,000 and VND 40,000,000 shall be imposed in cases where the violated goods are valued at between VND 70,000,000 and less than VND 80,000,000;

k) A fine of between VND 40,000,000 and VND 50,000,000 shall be imposed in cases where the violated goods are valued at between VND 80,000,000 and less than VND 100,000,000;

l) A fine of between VND 50,000,000 and VND 70,000,000 shall be imposed in cases where the violated goods are valued at VND 100,000,000 or more.

2. Acts of trading in imported alcohol products with more than 5.5 percent

alcohol by volume but failing to stick the stamps of imported liquors as prescribed by law provisions shall be imposed with penalties as specified in Article 15 of this Decree.

### 3. Additional penalty:

Deprivation of the right to use liquor trading licenses for a period of between 01 month and 03 months for acts of violation specified in Clause 1 of this Article, in cases of repeated violations or recidivism.

## **Article 28. Acts of violation in stamping for domestically consumed liquors**

1. Acts of trading in domestically produced liquors with 5.5 percent alcohol by volume or more without stamps of domestic consumption, or with the stamps in contravention of law provisions, shall be imposed with the penalties as follows:

a) A warning or a fine of between VND 200,000 and VND 300,000 shall be imposed in cases where the violated goods are valued at less than VND 1,000,000;

b) A fine of between VND 300,000 and VND 500,000 shall be imposed in cases where the violated goods are valued at between VND 1,000,000 and less than VND 2,000,000;

c) A fine of between VND 500,000 and VND 1,000,000 shall be imposed in cases where the violated goods have values are valued at between VND 2,000,000 and less than VND 5,000,000;

d) A fine of between VND 1,000,000 and VND 2,000,000 shall be imposed in cases where the violated goods are valued at between VND 5,000,000 and less than VND 10,000,000;

dd) A fine of between VND 2,000,000 and VND 5,000,000 shall be imposed in cases where the violated goods are valued at between VND 10,000,000 and less than VND 20,000,000;

e) A fine of between VND 5,000,000 and VND 10,000,000 shall be imposed in cases where the violated goods are valued at between VND 20,000,000 and less than VND 30,000,000;

g) A fine of between VND 10,000,000 and VND 20,000,000 shall be imposed in cases where the violated goods are valued at between VND 30,000,000 and less than VND 50,000,000;

h) A fine of between VND 20,000,000 and VND 30,000,000 shall be imposed in cases where the violated goods have values are valued at between VND 50,000,000 and less than VND 100,000,000;

i) A fine of between VND 30,000,000 and VND 50,000,000 shall be imposed in cases where the violated goods are valued at VND 100,000,000 or more;

2. A fine doubling the fine level specified in Clause 1 of this Article shall

be imposed on producers of liquors with 5.5 percent alcohol by volume or more for domestic consumption, who fail to stick stamps of domestic consumption on their liquors, or stick the stamps in contravention of law provisions.

3. Additional penalty:

Deprivation of the right to use liquor trading licenses for a period of between 01 month and 03 months, for acts of violation specified in Clause 2 of this Article, in cases of repeated violations or recidivism.

**Article 29. Acts of violation in providing information on health effects of liquors or beers**

1. A fine of between VND 500,000 and VND 1,000,000 shall be imposed on entrepreneurs trading in liquors with less than 5.5 percent alcohol by volume in cases where committing acts of providing inaccurate or false information on the effects of liquors or beers on human health.

2. A fine of between VND 10,000,000 and VND 20,000,000 shall be imposed on entrepreneurs trading in liquors with 5.5 percent alcohol by volume or more in cases where committing acts of providing inaccurate or false information on the effects of liquors or beers on human health.

**Article 30. Other acts of violation related to trading in liquors and beers**

1. A fine of between VND 500,000 and VND 1,000,000 shall be imposed on acts of selling or supplying liquors or beers to persons under 18 years old.

2. A fine of between VND 1,000,000 and VND 3,000,000 shall be imposed on acts of failing to report or improperly reporting the production and trading of liquors with more than 5.5 percent alcohol by volume to State agencies with the authority to grant licenses as prescribed by law provisions.

3. A fine of between VND 3,000,000 and VND 5,000,000 shall be imposed on one of the following acts:

- a) Selling liquors and beers using vending machines;
- b) Trading in liquors or beers at locations where liquors and beers are banned as prescribed by law provisions;
- c) Employing persons under 18 years old in direct production or sale of liquors and beers.

4. Additional penalty:

Confiscation of exhibits and means of violation used to commit acts of violation specified at Points a and b, Clause 3 of this Article.

5. Remedial measure:

Forcible surrendering of illegal benefits gained from committing acts of violation specified at Points a and b, Clause 3 of this Article.

## Section 6

### ACTS OF HOARDING AND SPECULATING IN GOODS

#### Article 31. Acts of speculating in goods

1. A fine of between VND 5,000,000 and VND 10,000,000 shall be imposed on abusing scarcity of goods or creating artificial scarcity of goods in the market to buy up or buy all goods with a value of between VND 50,000,000 and less than VND 100,000,000 to resell for getting illegal profits in one of the following cases without criminal prosecution:

a) Goods included in the list of price stabilization or the list of price valuation by the State in accordance with law on price;

b) There is market fluctuation in supply and demand, commodity prices due to natural disasters, fire, epidemics, war or other unusual events.

2. A fine of between VND 10,000,000 and VND 20,000,000 shall be imposed on acts of violation specified in Clause 1 of this Article in cases where the goods are valued at between VND 100,000,000 and less than VND 200,000,000.

3. A fine of between VND 20,000,000 and VND 50,000,000 shall be imposed on acts of violation specified in Clause 1 of this Article in cases where the goods are valued at between VND 200,000,000 and less than VND 500,000,000.

4. A fine of between VND 50,000,000 and VND 80,000,000 shall be imposed on acts of violation specified in Clause 1 of this Article in cases where the goods are valued at between VND 500,000,000 and less than VND 1,000,000,000.

5. A fine of between VND 80,000,000 and VND 100,000,000 shall be imposed on acts of violation specified in Clause 1 of this Article in cases where the goods are valued at VND 1,000,000,000 or more.

6. Additional penalties:

a) Confiscation of exhibits for acts of violation specified in this Article;

b) Deprivation of the right to use certificates on satisfactory of trade conditions, business licenses, or practice certificates for a period of between 06 months and 12 months for acts of violation specified in this Article in cases of repeated violation or recidivism.

c) Suspension of activities of trading infringing goods for a period between 06 months and 12 months for acts of violation specified in this Article in cases of repeated violation or recidivism.

7. Remedial measures:

Forcible surrendering of illegal benefits gained from committing acts of violation specified in this Article.

### **Article 32. Acts of hoarding goods**

1. A fine of between VND 5,000,000 and VND 10,000,000 shall be imposed on one of the following acts of violation under one of the cases specified in Clause 1, Article 31 of this Decree without plausible reasons:

- a) Cutting sales locations;
- b) Cutting sale methods (change from wholesale to retail) different to the previous time;
- c) Regulating, listing, and selling goods according to sale volume and purchase objects different to the previous time;
- d) Cutting the time of sale, supply of goods different to the previous time.

2. A fine of between VND 10,000,000 and VND 20,000,000 shall be imposed on one of the following acts of violation under one of the cases specified in Clause 1, Article 31 of this Decree without plausible reasons:

- a) Cutting down the amount of goods sold to the market;
- b) Stopping the sale of goods to the market;
- c) Failing to open stores, places of business transactions for sale;
- d) Opening stores, places of business transactions but not selling goods.

3. A fine of between VND 20,000,000 and VND 30,000,000 shall be imposed on acts of hoarding goods in warehouses in excess of 150% compared to the average inventory of the preceding three months in one of the cases specified in Clause 1 Article 31 of this Decree.

4. Additional penalties:

- a) Confiscation of exhibits for acts of violation specified in Clause 3 of this Article;
- b) Deprivation of the right to use business licenses or practice certificates for a period between 03 months and 06 months, for acts of violation specified in this Article, in cases of repeated violation or recidivism.

### **Section 7**

#### **ACTS OF VIOLATION RELATED TO TRADE PROMOTION ACTIVITIES**

### **Article 33. Acts of violation related to promotion activities**

1. A fine of between VND 5,000,000 and VND 10,000,000 shall be imposed on one of the following acts of violation:

- a) Failing to perform or performing incompletely or improperly the provision and publicity of information about promotional activities when conducting promotions;

b) Collecting fees and charges, money from customers or request customers to make any other payment obligations when conducting promotions by giving samples, providing services to customers for trial without payment;

c) Failing to publicly organize the opening bonus for promotions of chance or organizing the opening bonus for promotions of chance without the presence of customers or without making any record of the opening bonus;

d) Failing to inform competent state management agencies about time and places of issuance, and evidence to determine the prize winning of goods before conducting the provision of evidence to determine the prize winning when conducting promotions of chance in which evidence of prize winning is issued together with goods;

dd) Failing to perform or perform in contradiction with regulations on announcement of winning results, or public notification of promotional results;

e) Failing to award prizes within the prescribed time limit when conducting promotions included awarding;

g) Failing to confirm the participation of customers in regular customer programs in an accurate and timely manner;

h) Failing to sufficiently display and record compulsory contents as prescribed by law provisions in coupons, service coupons, competition entry forms, lottery tickets, customer tags or receipts of goods purchase or services used in promotions organizing regular customer programs.

2. A fine of between VND 10,000,000 and VND 20,000,000 shall be imposed on one of the following acts of violation:

a) Carrying out promotions of goods, services while they are not entrepreneurs under regulations to be entitled to conduct promotion of such goods or services;

b) Carrying out promotions of goods, services of other entrepreneurs without agreements on promotion services as prescribed by law provisions or hiring entrepreneurs who provide promotion services to conduct promotions for their goods, services without agreements on promotion services as prescribed by law provisions;

c) Failing to notify or register with competent state agencies as prescribed by law provisions before conducting promotions or failing to notify or register in accordance with regulations;

d) Failing to notify or report the results of promotion to competent state agencies as prescribed by law provisions, or failing to notify or report in accordance with regulations, or notifying or reporting dishonest contents;

dd) Failing to perform or improperly performing or postponing the implementation of the contents of promotions announced, committed with customers or announced, registered with competent state agencies;

e) Carrying out promotions in which the value of the commodity, services used for promotions exceeding the maximum limit of value of promotional goods or services as prescribed by law provisions;

g) Carrying out promotions in the form of discount for goods, service supplying prices which exceed the maximum discount level for goods or services promoted under the provisions;

h) Carrying out promotions in the form of reducing prices of goods or service supplying below the minimum prices in case the selling price of goods, services supplying subject to the State's regulation on prices or regulatory framework on minimum price or discount the selling prices of goods, services supplying for goods and services subject to the State's regulations on specific prices;

i) Carrying out promotions in the form of discounts in contravention of regulations on the time allowed to conduct promotions;

k) Using evidence of prize winning having the same or similar form as the lottery which are solely issued by the State, or using the lottery results as basis to determine the prize winning, to give or award in promotions in the forms specified in Clauses 5, 6 and 9, Article 92 of the Law on Commerce;

l) Failing to perform or performing in contradiction with regulations on the remit 50% of the announced value of prizes without winners into the state budget when conducting promotions of chance;

m) Terminating the implementation of promotions before the time limit announced or certified by competent state agencies, unless otherwise permitted by law or in case the competent state agencies have certified the adjustment of time for sales promotions;

n) Terminating the implementation of promotions before the time limit announced or certified by competent state agencies while not falling into the cases as prescribed by law provisions;

o) Carrying out promotions in contradiction with regulations on principals of implementing promotions;

p) Representative offices of entrepreneurs conduct promotions for their entrepreneurs they represent or hire other entrepreneurs to conduct promotions for entrepreneurs they represent in Vietnam.

3. A fine of between VND 20,000,000 and VND 30,000,000 shall be imposed on one of the following acts of violation:

a) Carrying out promotions of goods and services banned from trading; goods and services restricted from trading; goods not permitted for circulation yet, services not permitted for supply yet; liquor, lottery, cigarettes, breast-milk substitutes, medicines for human, including medicines permitted for circulation according to the regulations of the Ministry of Health (except for promotions for drug entrepreneurs), health examination and treatment services of public medical

establishments, educational services of public institutions, public vocational training institutions, goods and services banned from circulation in Vietnam or goods and other services banned from promotion as prescribed by law provisions;

b) Using goods, services for promotion being goods, services banned from trading; goods and services restricted from trading; goods not permitted for circulation yet, services not permitted for supply yet; liquor, lottery, cigarettes, medicines for human, including medicines permitted for circulation according to the regulations of the Ministry of Health (except for promotions for drug entrepreneurs), goods and services banned from circulation in Vietnam and goods or other services banned from promotion as prescribed by law provisions;

c) Carrying out promotions of liquor or beer for people under 18 years old; carrying out promotions in trading liquor or beer with an alcohol content from 15 percent or more, or using liquor or beer with an alcohol content from 15 percent or more for promotions in any form;

d) Offering promotions that are dishonest or confusing about goods and services in order to deceive customers;

dd) Carrying out promotions for the purpose of consuming goods that fail to ensure quality in accordance with regulations;

e) Offering promotion in schools, hospitals, offices of state agencies, political organizations, socio-political organizations, people's armed forces units;

g) Having the content of the contest program of promotions in the form of sales, service supply accompanied by contest coupons for customers in order to select winners according to the rules and award prizes announced which are contrary to conventional history, culture, ethics, habits and customs of Vietnam;

h) Carrying out promotions under the multi-level model, in which the promotional objects include multiple levels as well as branches, and the formers benefit from the purchase of the latter without certificate of multi-level marketing registration.

4. A fine doubling the fine level specified in between Clause 1 and Clause 3 of this Article shall be imposed on cases of violation committed in the area of two or more provinces or centrally-run cities.

#### 5. Additional penalties:

Confiscation of exhibits for acts of violation specified at Points a, b, c and dd, Clause 3 of this Article, except for the case of application of the remedial measures specified at Point a, Clause 6 of this Article.

#### 6. Remedial measures:

a) Forcible destruction of exhibits being goods or items harmful to human health, domestic animals, plants and environment, or cultural products with harmful contents, for acts of violation specified at Points a and b Clause 3 of this Article;

b) Forcible cancellation of the result of prize draws and re-opening of the prize, for violation specified at Points c and d, Clause 1 of this Article;

c) Forcible surrendering of illegal benefits gained from committing acts of violation specified at Point b, Clause 1 and Point 1, Clause 2 of this Article.

### **Article 34. Acts of violation on displaying and introducing goods and services**

1. A fine of between VND 10,000,000 and VND 20,000,000 shall be imposed on one of the following acts of violation:

a) Displaying and introducing goods with information about the goods being displayed, introduced not proper with the goods being sold or prepared to sell;

b) Displaying and introducing goods or services of other entrepreneurs to compare with their goods, unless goods being compared are counterfeit goods, goods infringing intellectual property rights as prescribed by law provisions;

c) Displaying and introducing goods without goods labels or with improper goods labels as prescribed by law provisions;

d) Displaying and introducing goods that fail to satisfy technical regulations and standards announced or applied; goods that fail to guarantee quality, food safety, or expired goods.

2. A fine of between VND 20,000,000 and VND 30,000,000 shall be imposed on one of the following acts of violation:

a) Representative offices of entrepreneurs directly display and introduce goods and services of entrepreneurs they represent at locations other than the headquarters of such representative offices;

b) Representative offices of entrepreneurs display and introduce goods and services of entrepreneurs they represent without the authorization of such entrepreneurs.

3. A fine of between VND 30,000,000 and VND 50,000,000 shall be imposed on one of the following acts of violation:

a) Displaying and introducing goods and services included in the list of goods and services banned from trading, goods not permitted from circulation or goods not permitted from circulation yet, or services not permitted to provide in Vietnam;

b) Consuming in Vietnam goods temporarily imported for display and introduction in contradiction with the law provisions of Vietnam;

c) Displaying and introducing goods and services or using forms, means of displaying and introducing goods and services that are detrimental to national security, social order and safety, landscape, environment and human health;

d) Displaying and introducing goods and services or using forms, means of displaying and introducing goods and services that are against historical traditions, culture, ethics, habits and customs of Vietnam;

dd) Displaying and introducing goods and services that reveal the national secrets.

4. Acts of displaying and introducing goods not yet permitted to be imported into Vietnam or goods included in the list of goods banned from import shall be sanctioned in accordance with Article 15 of this Decree.

5. Additional penalties:

Confiscation of exhibits for acts of violation specified in Clause 3 of this Article.

6. Remedial measures:

Forcible surrendering of illegal benefits gained from committing acts of violation specified at Point b, Clause 3 of this Article.

### **Article 35. Acts of violation on fairs or trade exhibitions**

1. A fine of between VND 1,000,000 and VND 5,000,000 shall be imposed on acts of dishonest or inaccurate declaration for contents in the dossier when registering for organizing fairs and trade exhibitions;

2. A fine of between VND 5,000,000 and VND 10,000,000 shall be imposed on one of the following acts of violation:

a) Failing to list topics and time of fairs and trade exhibitions at the locations where such fairs and trade exhibitions are held before the opening date of such fairs and trade exhibitions;

b) Changing or supplementing the contents registered to organize fairs and trade exhibitions without registering with competent state agencies as prescribed by law provisions or without being certified yet by competent state agencies on changes and supplements of contents registered;

c) Failing to make a public announcement as prescribed by law provisions when the operation of fairs and trade exhibitions is terminated.

3. A fine of between VND 10,000,000 and VND 20,000,000 shall be imposed on one of the following acts of violation:

a) Displaying counterfeit goods, goods infringing intellectual property rights at fairs and trade exhibitions but failing to clearly list such goods as counterfeit goods, goods infringing intellectual property rights, or failing to clearly state in contents registered to organize fairs and trade exhibitions;

b) Displaying goods and services included in the list of goods banned from trading, goods banned from import, goods restricted from trading, goods not permitted from circulation or goods not permitted from circulation yet, services not yet permitted to provide in Vietnam, or goods failing to ensure quality, food

safety as prescribed by law provisions, or expired goods at fairs and trade exhibitions;

c) Displaying at fairs and exhibitions goods (including goods temporarily imported for display and introduction at fairs and exhibitions) with no labels or with labels against law provisions on goods labels;

d) Failing to make written reports or making reports in contradiction with provisions on the results of organizing fairs and trade exhibitions after finishing fairs and trade exhibitions.

4. A fine of between VND 20,000,000 and VND 30,000,000 shall be imposed on one of the following acts of violation:

a) Foreign entrepreneurs directly organize fairs and trade exhibitions in Vietnam;

b) Representative offices of entrepreneurs directly organize, participate in fairs and trade exhibitions or participate in fairs and trade exhibitions for entrepreneurs to be represented without the prior authorization of such entrepreneurs;

c) Organizing the participation of other entrepreneurs in overseas fairs and trade exhibitions without business registration of services on fairs and trade exhibitions as prescribed by law provisions;

d) Organizing fairs and trade exhibitions without registering as prescribed by law provisions or without being certified yet in writing by competent state agencies on the registration of organizing fairs and trade exhibitions;

dd) Registering for organization of fairs and trade exhibitions but not organizing or organizing improperly with verified contents without making registration of amendments or supplements as prescribed by law provisions with competent state agencies and without approvals of competent state agencies;

e) Selling, donating or supplying goods which are subject to specialized management at fairs and trade exhibitions without complying with regulations on specialized management of such goods and services;

g) Giving, donating, granting prizes or certifying quality or titles for goods and services or entrepreneurs, organizations, individuals within the framework of fairs or trade exhibitions in contradiction with law provisions;

h) Failing to settle complaints or feedbacks from consumers or organizations or individuals on fairs and trade exhibitions; or on goods displayed at fairs and trade exhibitions as prescribed by law provisions;

i) Organizing fairs and trade exhibitions in foreign countries in the name of Vietnam or organizing fairs and trade exhibitions in Vietnam in the names of provinces or cities without satisfying the prescribed standards.

5. A fine of between VND 30,000,000 and VND 50,000,000 shall be imposed on one of the following acts of violation:

a) Organizing or directly carrying goods and services banned from export to foreign countries to display in fairs and trade exhibitions without the approval of the Prime Minister on the carrying of goods and services which are banned from export for displaying in overseas fairs and trade exhibitions;

b) Selling or donating goods that are banned from export but have been temporarily exported for participation in overseas fairs and trade exhibitions without the approval of the Prime Minister on the sale or donation of such goods;

c) Selling or donating goods required license for export issued by competent state agencies without the written approval of competent state agencies on the sale or donation of such goods;

d) Organizing fairs and trade exhibitions in Vietnam that display and introduce banned goods, services banned from trading, goods and services restricted from trading in accordance with law, or goods and services supplied by overseas entrepreneurs and included in the list of goods banned from import as prescribed by law provisions, or counterfeit goods or goods infringing intellectual property rights, except for display or introduction for comparison with genuine goods;

dd) Organizing fairs and trade exhibitions in which quality, titles of goods and services participating in fairs or reputations, titles of entrepreneurs, organizations, individuals participating in fairs or trade exhibitions fail to conform to the name and theme of such fairs and trade exhibitions;

e) Selling, donating or supplying imported goods without registration with customs or selling, donating imported goods required license for import at fairs or trade exhibitions without the written approval by competent state agencies.

#### 6. Additional penalties:

Confiscation of exhibits for acts of violation specified at Points a and b, Clause 3 of this Article.

#### 7. Remedial measures:

a) Forcible re-export of goods, for acts of violation specified at Point a, Clause 4 and Point e, Clause 5 of this Article;

b) Forcible surrendering of illegal benefits gained from committing acts of violation specified in this Article.

### **Section 8**

#### **ACTS OF VIOLATION IN EXPORT AND IMPORT OF GOODS AND SERVICES RELATED TO EXPORT AND IMPORT OF GOODS**

##### **Article 36. Acts of violation on goods banned from export or import**

1. With regard to acts of exporting or importing goods included in the list of goods banned from export or import, the fine levels are prescribed as follows:

a) A fine of between VND 10,000,000 and VND 20,000,000 shall be imposed in cases where the infringing goods are valued at less than VND 20,000,000;

b) A fine of between VND 20,000,000 and VND 30,000,000 shall be imposed in cases where the infringing goods are valued at between VND 20,000,000 and less than VND 50,000,000;

c) A fine of between VND 30,000,000 and VND 50,000,000 shall be imposed in cases where the infringing goods are valued at between VND 50,000,000 and less than VND 70,000,000;

d) A fine of between VND 50,000,000 and VND 70,000,000 shall be imposed in cases where the infringing goods are valued at between VND 70,000,000 and less than VND 100,000,000;

dd) A fine of between VND 70,000,000 and VND 100,000,000 shall be imposed in cases where the infringing goods are valued at VND 100,000,000 or more but not prosecuted for criminal responsibility.

## 2. Additional penalties:

Confiscation of exhibits for acts of violation specified in this Article, except for cases of application of remedial measures specified at Point a or Point b, Clause 3 of this Article.

## 3. Remedial measures:

a) Forcible destruction of exhibits of violation harmful to human health, domestic animals, plants and environment, for acts of violation specified in this Article, except for cases of application of remedial measures specified at Point b of this Clause;

b) Forcible bringing out of the territory of the Socialist Republic of Vietnam or forcible re-exporting of infringing goods, for acts of violation specified in this Article;

c) Forcible surrendering of illegal benefits gained from committing acts of violation specified in this Article.

## **Article 37. Acts of violation on goods suspended from export or import**

1. With regard to acts of exporting or importing goods included in the list of goods suspended from export or import without written permission of competent State agencies, the fine levels are prescribed as follows:

a) A fine of between VND 5,000,000 and VND 10,000,000 shall be imposed in cases where the infringing goods are valued at less than VND 20,000,000;

b) A fine of between VND 10,000,000 and VND 30,000,000 shall be imposed in cases where the infringing goods are valued at between VND 20,000,000 and less than VND 50,000,000;

c) A fine of between VND 30,000,000 and VND 50,000,000 shall be imposed in cases where the infringing goods are valued at between VND 50,000,000 and less than VND 70,000,000;

d) A fine of between VND 50,000,000 and VND 70,000,000 shall be imposed in cases where the infringing goods are valued at between VND 70,000,000 and less than VND 100,000,000;

dd) A fine of between VND 70,000,000 and VND 80,000,000 shall be imposed in cases where the infringing goods are valued at VND 100,000,000 or more but not prosecuted for criminal responsibility.

## 2. Additional penalties:

Confiscation of exhibits for acts of violation specified in this Article, except for cases of application of remedial measures specified in Clause 3 of this Article.

## 3. Remedial measures:

Forcible bringing out of the territory of the Socialist Republic of Vietnam or forcible re-exporting of infringing goods, for acts of violation specified in this Article.

### **Article 38. Acts of violation on quotas, goods export or import licenses**

1. A fine of between VND 5,000,000 and VND 10,000,000 shall be imposed on acts of arbitrarily erasing, modifying, supplementing and changing contents of quotas, goods export or import licenses.

2. A fine of between VND 10,000,000 and VND 20,000,000 shall be imposed on acts of illegally using quotas, goods export or import licenses.

3. With regard to acts of exporting or importing goods required quotas and export or import licenses without quotas, goods export or import licenses, the fine levels are prescribed as follows:

a) A fine of between VND 5,000,000 and VND 10,000,000 shall be imposed in cases where the infringing goods are valued at less than VND 20,000,000;

b) A fine of between VND 10,000,000 and VND 20,000,000 shall be imposed in cases where the infringing goods are valued at between VND 20,000,000 and less than VND 50,000,000;

c) A fine of between VND 20,000,000 and VND 30,000,000 shall be imposed in cases where the infringing goods are valued at between VND 50,000,000 and less than VND 70,000,000;

d) A fine of between VND 30,000,000 and VND 50,000,000 shall be imposed in cases where the infringing goods are valued at between VND 70,000,000 and less than VND 100,000,000;

dd) A fine of between VND 50,000,000 and VND 70,000,000 shall be imposed in cases where the infringing goods are valued at VND 100,000,000 or more but not prosecuted for criminal responsibility.

4. Additional penalties:

a) Confiscation of exhibits of violation, for acts of violation specified in Clauses 1 and 3 of this Article;

b) Deprivation of the right to use quotas, export or import licenses for a period of between 03 months and 06 months, for acts of violation specified in Clause 2 of this Article in cases of repeated violation or recidivism.

**Article 39. Acts of violation on goods export and import entrustment**

1. A fine of between VND 10,000,000 and VND 20,000,000 shall be imposed on acts of entrusting or receiving entrustment to export and import of goods which are included in the list of goods temporarily imported for re-export, temporary exported and re-import with conditions but do not satisfy business conditions as prescribed by law provisions.

2. A fine of between VND 20,000,000 and VND 30,000,000 shall be imposed on acts of entrusting or receiving entrustment to export or import of goods which are included in the list of goods being exported or imported by quotas or export licenses, import licenses that the entrust party or the entrusted party have no quotas or licenses issued by competent state agencies as prescribed by law provisions.

3. A fine of between VND 30,000,000 and VND 40,000,000 shall be imposed on acts of entrusting or receiving entrustment to export or import of goods that are included in the list of goods temporarily suspended from export or import.

4. A fine of between VND 40,000,000 and VND 50,000,000 shall be imposed on acts of entrusting or receiving entrustment to import and export of goods that are included in the list of goods banned from export or import.

**Article 40. Acts of violation on temporary import for re-export or temporary export for re-import of goods**

1. A fine of between VND 5,000,000 and VND 10,000,000 shall be imposed on acts of arbitrarily erasing, modifying, amending, supplementing or changing contents of the licenses on temporary import for re-export, the licenses on temporary export for re-import of goods that are included in the list of goods banned from export or import, temporarily suspended from export or import.

2. A fine of between VND 10,000,000 and VND 20,000,000 shall be imposed on acts of illegally using the licenses on temporary import for re-export or the licenses on temporary export for re-import of goods that are included in the list of goods banned from export or import, temporarily suspended from export or import.

3. A fine of between VND 20,000,000 and VND 40,000,000 shall be imposed on acts of trading goods of temporary import for re-export that are included in the list of goods temporarily imported for re-export with conditions but do not satisfy business conditions as prescribed by law provisions.

4. A fine of between VND 40,000,000 and VND 80,000,000 shall be imposed on acts of trading in temporary import for re-export or temporary export for re-import of goods required licenses issued by competent state agencies without having licenses as prescribed by law provisions.

5. A fine of between VND 80,000,000 and VND 100,000,000 shall be imposed on acts of trading in temporary import for re-export, temporary export for re-import of goods that are included in the list of goods banned from trading in temporary import for re-export or temporarily suspended from temporary import for re-export.

6. Additional penalties:

a) Confiscation of exhibits for acts of violation specified in this Article, except for cases of application of remedial measures specified in Clause 7 of this Article;

b) Suspension of trading in temporary import for re-export or temporary export for re-import of goods for a period of between 03 months and 06 months, for acts of violation specified in Clauses 3, 4 and 5 of this Article;

c) Deprivation of the right to use licenses on temporary import for re-export or temporary export for re-import of goods for a period between 03 months and 06 months, for acts of violation specified in Clause 2 of this Article.

7. Remedial measures:

a) Forcible re-export of goods at import border gates for acts of violation specified in Clauses 3 and 4 of this Article;

b) Forcible bringing out of the territory of the Socialist Republic of Vietnam or forcible re-exporting of goods for acts of violation specified in Clause 5 of this Article.

**Article 41. Acts of violation on border-gate transfer of goods**

1. A fine of between VND 5,000,000 and VND 10,000,000 shall be imposed on acts of arbitrarily erasing, modifying, amending, supplementing or changing contents of licenses on goods border-gate transfer.

2. A fine of between VND 10,000,000 and VND 20,000,000 shall be imposed on acts of illegally using licenses on goods border-gate transfer.

3. A fine of between VND 20,000,000 and VND 30,000,000 shall be imposed on acts of border-gate transfer which do not comply with categories or exceed the quantities of goods specified in the licenses granted by competent state agencies.

4. A fine of between VND 30,000,000 and VND 50,000,000 shall be imposed on one of the following acts:

a) Border-gate transfer of goods required to have licenses issued by competent state agencies without licenses;

b) Trading in border-gate transfer for categories of goods that are included in the list of goods suspended from border-gate transfer.

5. A fine of between VND 50,000,000 and VND 80,000,000 shall be imposed on acts of border-gate transfer for categories of goods that are in the list of goods banned from border-gate transfer.

6. Additional penalties:

a) Confiscation of exhibits for acts of violation specified in this Article, except for cases of application of remedial measures specified in Clause 7 of this Article;

b) Deprivation of the right to use the licenses on goods border-gate transfer for a period of between 01 month and 03 months for acts of violation specified in Clause 3 of this Article in cases of repeated violation or recidivism;

c) Suspension of trading in goods border-gate transfer for a period of between 03 months and 06 months for acts of violation specified in Clauses 4 and 5 of this Article.

7. Remedial measures:

Forcible bringing out of the territory of the Socialist Republic of Vietnam or forcible re-exporting of goods for acts of violation specified in Clauses 4 and 5 of this Article.

#### **Article 42. Acts of violation on goods transit**

1. A fine of between VND 10,000,000 and VND 20,000,000 shall be imposed on acts of transiting goods improperly with routes or border gates allowed to transit, except for the cases specified at Point a, Clause 2 of this Article.

2. A fine of between VND 20,000,000 and VND 30,000,000 shall be imposed on one of the following acts of violation:

a) Transit of goods required to have licenses but do not follow the right routes or border gates which are permitted for transit;

b) Goods in transit are stored in the territory of Vietnam beyond the permitted duration.

3. A fine of between VND 30,000,000 and VND 40,000,000 shall be imposed on acts of transiting goods which are required to have licenses issued by competent state agencies but do not have licenses.

4. A fine of between VND 40,000,000 and VND 50,000,000 shall be imposed on acts of illegally consuming goods or means in transit on the territory of Vietnam.

## 5. Additional penalties:

Confiscation of exhibits for acts of violation specified in Clause 4 of this Article.

## 6. Remedial measures:

a) Forcible bringing out of the territory of the Socialist Republic of Vietnam or forcible re-exporting of infringing goods for acts of violation specified in Clauses 1, 2 and 3 of this Article;

b) Forcible payment of money equal to the value of goods or means in transit that have been illegally sold, for acts of violation specified in Clause 4 of this Article.

### **Article 43. Acts of violation on operation of duty-free stores**

1. A fine of between VND 2,000,000 and VND 3,000,000 shall be imposed on acts of selling duty-free goods in excess of the prescribed quantity.

2. A fine of between VND 3,000,000 and VND 5,000,000 shall be imposed on acts of selling duty-free goods to improper buyers.

3. With regard to acts of trading goods without the stamp “Vietnam duty not paid” as prescribed by law provisions or selling duty-free goods which are cigars, cigarettes manufactured in foreign countries or goods subject to conditional export or import without export or import licenses as prescribed by law provisions, the fine levels are specified as follows:

a) A fine of between VND 1,000,000 and VND 3,000,000 shall be imposed in cases where the infringing goods are valued at less than VND 5,000,000;

b) A fine of between VND 3,000,000 and VND 5,000,000 shall be imposed in cases where the infringing goods are valued at between VND 5,000,000 and less than VND 10,000,000;

c) A fine of between VND 5,000,000 and VND 10,000,000 shall be imposed in cases where the infringing goods are valued at between VND 10,000,000 and less than VND 20,000,000;

d) A fine of between VND 10,000,000 and VND 20,000,000 shall be imposed in cases where the infringing goods are valued at between VND 20,000,000 and less than VND 30,000,000;

dd) A fine of between VND 20,000,000 and VND 30,000,000 shall be imposed in cases where the infringing goods are valued at between VND 30,000,000 and less than VND 50,000,000;

e) A fine of between VND 30,000,000 and VND 40,000,000 shall be imposed in cases where the infringing goods are valued at VND 50,000,000 or more.

4. A fine of between VND 40,000,000 and VND 50,000,000 shall be imposed on one of the following acts of violation:

- a) Trading in goods without legal import origin at duty-free shops;
- b) Illegal consumption in the domestic market of goods permitted to import for sale at duty-free shops.

5. A fine of between VND 50,000,000 and VND 70,000,000 shall be imposed on acts of selling at duty-free shops goods which are banned from export or import, or suspended from export or import as prescribed by law provisions.

6. Additional penalties:

a) Confiscation of exhibits for acts of violation specified in Clauses 3, 4 and 5 of this Article;

b) Deprivation of the right to use certificates of eligibility for business of duty-free shops for a period of between 01 month and 03 months, for acts of violation specified in Clauses 2, 3, 4 and 5 of this Article in cases of repeated violation or recidivism.

7. Remedial measures:

Forcible surrendering of illegal benefits gained from committing acts of violation specified in this Article.

#### **Article 44. Acts of violation on origin of exported or imported goods**

1. A fine of between VND 10,000,000 and VND 20,000,000 shall be imposed on acts of erasing, modifying, falsifying contents of certificates of goods origin or documents of self-certification of goods origin or written approvals of self-certification of goods origin issued by competent agencies.

2. A fine of between VND 20,000,000 and VND 30,000,000 shall be imposed on acts of providing untruthful documents or papers to competent agencies and organizations when applying for or verifying certificates of origin.

3. A fine of between VND 30,000,000 and VND 50,000,000 shall be imposed on one of the following acts of violation:

a) Self-certifying improper origin of goods when being approved by competent state agencies to self-certify the origin of goods;

b) Forging certificates of origin or paper of self-certification of origin in cases of not being prosecuted for criminal responsibility;

c) Providing untruthful documents and papers to competent agencies or organizations when requesting to self-certify goods origin or verifying papers of goods origin.

4. A fine of between VND 50,000,000 and VND 70,000,000 shall be imposed on acts of using certificates of origin or papers of self-certifying origin of counterfeit goods in cases of not being prosecuted for criminal responsibility.

5. Additional penalties:

Confiscation of exhibits for acts of violation specified in this Article.

6. Remedial measures:

- a) Forcible surrendering of illegal benefits gained from committing acts of violation specified in this Article;
- b) Forcible correction of false information about the origin of goods, for acts of violation specified in this Article.

**Article 45. Acts of violation on processing goods with foreign elements**

1. A fine of between VND 10,000,000 and VND 20,000,000 shall be imposed on acts of ordering goods to be processed or receiving orders to process goods from foreign entrepreneurs without a contract as prescribed by law provisions.

2. A fine of between VND 20,000,000 and VND 40,000,000 shall be imposed on one of the following acts of violation:

- a) Consuming in Vietnam market machineries and equipment leased or borrowed or raw materials, auxiliary materials, excess materials, substandard products, scraps temporarily imported for processing and products from processing goods for foreign entrepreneurs in contradiction with regulations;
- b) Forging processing contracts with foreign entrepreneurs.

3. A fine of between VND 40,000,000 and VND 70,000,000 shall be imposed on acts of ordering processed goods or receiving an order to process goods from foreign entrepreneurs which are required to have export or import licenses but without approval of competent state agencies as prescribed by law provisions.

4. A fine of between VND 70,000,000 and VND 100,000,000 shall be imposed on one of the following acts of violation:

- a) Processing goods for foreign entrepreneurs that are included in the list of goods banned from export or import, or suspended from export or import without written approval of competent state agencies as prescribed by law provisions;
- b) Ordering processing of goods in foreign countries to consume in domestic market goods banned from export or import, or suspended from export or import, or goods which are subject to emergency measures, banned from circulation, revoked, suspended from circulation and goods which fail to ensure food safety.

5. Additional penalties:

Confiscation of exhibits for acts of violation specified in Clauses 2, 3 and 4 of this Article.

6. Remedial measures:

Forcible surrendering of illegal benefits gained from committing acts of violation specified at Point a, Clause 2 and Point a, Clause 4 of this Article.

## Section 9

### ACTS OF VIOLATION IN PROTECTION OF CONSUMER RIGHTS

#### Article 46. Acts of violation in consumer information protection

1. A fine of between VND 10,000,000 and VND 20,000,000 shall be imposed on one of the following acts of violation:

a) Failing to notify clearly and publicly to consumers of the purposes before performing activities of collecting and using information of consumers as prescribed by law provisions;

b) Using consumer information inconsistently with the purposes announced to consumers without consumers' consent as prescribed by law provisions;

c) Failing to ensure safety, accuracy and sufficiency of consumer information when performing activities of collecting, using, or transferring as prescribed by law provisions;

d) Failing to self-adjust or failing to take measures for consumers to update or to adjust information when detecting such information is incorrect as prescribed by law provisions;

dd) Transferring information of consumers to third parties without consumers' consent as prescribed by law provisions, unless otherwise provided by law.

2. A fine doubling the fine levels specified in Clause 1 of this Article shall be imposed in cases where the relevant information is consumer confidential information.

#### Article 47. Acts of violation in providing information on goods or services for consumers

1. A fine of between VND 10,000,000 and VND 20,000,000 shall be imposed on entrepreneurs who commit one of violation in providing information on goods or services for consumers as follows:

a) Failing to give warning about the possibility of goods or services that adversely affect health, life and property of consumers, and preventive measures as prescribed by law provisions;

b) Failing to provide information about the availability of supplying replaceable spare parts and accessories of goods as prescribed by law provisions;

c) Failing to provide instructions for use or failing to provide information on the warranty conditions, duration, location and procedures in cases where goods or services are under warranty as prescribed by law provisions;

d) Failing to accurately and fully inform consumers about model contracts or general transaction conditions before making transactions as prescribed by law provisions;

dd) Concealing information or providing incomplete, false or inaccurate information for consumers as prescribed by law provisions.

2. A fine of between VND 20,000,000 and VND 30,000,000 shall be imposed on third parties that commit one of violation on providing information on goods or services for consumers as follows:

a) Providing incomplete or inaccurate information about the goods or services provided as prescribed by law provisions;

b) Failing to present evidence to prove or failing to take all the measures as prescribed by law provisions in order to verify the accuracy and sufficiency of information about goods or services.

3. A fine of between VND 30,000,000 and VND 50,000,000 shall be imposed on owners of mass media, suppliers of communication service that are third parties for one of violation on providing information of goods or services for consumers as follows:

a) There is no technical solution to prevent the means or services under their management from being used for the purposes of harassing consumers;

b) Allowing organizations or individuals trading goods or services that use the means or services under their management for the purposes of harassing consumers.

4. Additional penalties:

Deprivation of the right to use business licenses or practice certificates for a period of between 01 month and 06 months, or suspension of operation for a period of between 01 month and 06 months, for acts of violation specified in Clause 3 of this Article in cases of repeated violation or recidivism.

5. Remedial measures:

Forcible correction of untruthful or confusing information, for acts of violation specified at Point dd, Clause 1 of this Article.

#### **Article 48. Acts of violation on contracts signed with consumers**

1. A fine of between VND 5,000,000 and VND 10,000,000 shall be imposed on one of the following acts of violation:

a) Signing contracts with consumers in the forms or languages that are improper with regulations;

b) Failing to let consumers to consider the entire contract before concluding in cases of signing contracts by electronic means as prescribed by law provisions.

2. Remedial measures:

Forcible amendment of signed contracts as prescribed by law provisions, for acts of violation specified at Point a, Clause 1 of this Article.

#### **Article 49. Acts of violation on registration of model contracts or general transaction conditions**

1. A fine of between VND 20,000,000 and VND 30,000,000 shall be imposed on acts of not complying with the requests of competent state agencies for cancelling or modifying contents of model contracts or general transaction conditions that violate the law on protection of consumer rights or go against the general principles of entering into contracts.

2. A fine of between VND 30,000,000 and VND 50,000,000 shall be imposed on one of the following acts of violation:

a) Failing to register or re-register model contracts or general transaction conditions with competent state agencies on the protection of consumer rights as prescribed by law provisions;

b) Failing to notify consumers of changes to model contracts or general transaction conditions as prescribed by law provisions;

c) Failing to properly apply model contracts or general transaction conditions registered with competent state agencies on the protection of consumer rights as prescribed by law provisions.

3. A fine doubling the fine levels for acts of violation specified in Clauses 1 and 2 of this Article in cases where the violation are committed in the area of two or more provinces or centrally-run cities.

#### **Article 50. Acts of violation on form of model contracts or general transaction conditions**

1. A fine of between VND 5,000,000 and VND 10,000,000 shall be imposed on acts of using model contracts or general transaction conditions in dealing with consumers that have one of the following violations:

a) There is a font size smaller than as specified;

b) Contract language is not Vietnamese, unless otherwise agreed by the parties or other legal provisions;

c) Paper background and ink color reflecting the content of model contract or general transaction conditions do not contrast each other.

2. Remedial measures:

Forcible modification of model contracts or general transaction conditions as prescribed by law provisions, for acts of violation specified in Clause 1 of this Article.

#### **Article 51. Acts of violation on performance of model contracts or general transaction conditions**

1. A fine of between VND 10,000,000 and VND 20,000,000 shall be imposed on one of the following acts of violation:

a) Failing to store the model contracts signed until the contracts expires as prescribed by law provisions;

b) Failing to give the consumer a copy of the contract in cases where the contract kept by the consumer is lost or damaged as prescribed by law provisions.

2. A fine of between VND 20,000,000 and VND 30,000,000 shall be imposed on one of the following acts of violation:

a) Failing to notify publicly of general transaction conditions before dealing with consumers as prescribed by law provisions;

b) General transaction conditions do not clearly determine the date of application or are not listed at convenient positions of transaction locations that are easy to get noticed by consumers as prescribed by law provisions.

### **Article 52. Acts of violation on signing contracts, general transaction conditions with consumers**

1. A fine of between VND 10,000,000 and VND 20,000,000 shall be imposed on entrepreneurs trading goods and services who enter into contracts with consumers in which there are invalid terms as prescribed by law provisions.

2. A fine of between VND 20,000,000 and VND 30,000,000 shall be imposed on acts of violation specified in Clause 1 of this Article in cases of model contracts or general transaction conditions.

3. A fine doubling the fine levels specified in Clauses 1 and 2 of this Article shall be imposed in cases where the violation are committed in the area of two or more provinces or centrally-run cities.

4. Remedial measures:

Forcible surrendering of illegal benefits gained from committing acts of violation specified in this Article.

### **Article 53. Acts of violation on remotely-concluded contracts**

1. A fine of between VND 10,000,000 and VND 20,000,000 shall be imposed on acts of concluding remotely contracts with consumers in one of the following cases:

a) Failing to provide sufficient and clear information as prescribed by law provisions;

b) Failing to refund money within a period of 30 days since consumers declare unilaterally termination of concluded contracts or failing to pay interests on the amounts delayed in payment to the consumers as prescribed by law provisions;

c) Restricting or preventing consumers from unilaterally terminating the performance of concluded contracts within a period of 10 days since the signing of contracts in cases where business organizations or individuals provide incorrect and incomplete sufficient information as prescribed by law provisions;

d) Forcing or requesting consumers to pay costs to be allowed to terminate concluded contracts, except costs for goods and services already used by consumers.

## 2. Remedial measures:

Forcible surrendering of illegal benefits gained from committing acts of violation specified at Points b and d, Clause 1 of this Article.

### **Article 54. Acts of violation on supply of uninterrupted services**

1. A fine of between VND 10,000,000 and VND 20,000,000 shall be imposed on entrepreneurs who provide uninterrupted services for consumers with one of following acts of violation:

a) Failing to provide sufficient and clear information as prescribed by law provisions;

b) Failing to sign written contracts or failing to provide consumers with copies of the contracts as prescribed by law provisions;

c) Asking consumers to pay money before services are provided to consumers, unless the parties agree otherwise;

d) Failing to notify consumers within 03 working days before the date of discontinuance of service supply in cases of repair, maintenance or other reasons as prescribed by law provisions, except unforeseen circumstances or otherwise provided by law;

dd) Failing to timely check and settle in cases where consumers inform about incidents of service quality as prescribed by law provisions;

e) Unilaterally terminating contracts or stopping provision of services without plausible reasons;

g) Refusing or hindering consumers from terminating contracts on service supply as prescribed by law provisions;

h) Forcing consumers to pay costs for part of services that have not been used.

## 2. Remedial measures:

Forcible surrendering of illegal benefits gained from committing acts of violation specified at Point h, Clause 1 of this Article.

### **Article 55. Acts of violation on door-to-door sale contracts**

1. A fine of between VND 10,000,000 and VND 20,000,000 shall be imposed on entrepreneurs providing door-to-door sales who commit one of the following acts of violation:

a) Door-to-door sellers do not introduce names of entrepreneurs, telephone numbers, addresses, head offices or addresses of entities that are responsible for proposals of signing contracts;

b) Door-to-door sellers deliberately get in touch with consumers to propose signing contracts in cases where the consumers have refused;

c) Refusing consumers from withdrawing their agreements in cases where the consumers send written notice on the withdrawal of their agreements within a period of 03 working days from the date of signing of the contract;

d) Forcing consumers to pay or to perform other obligations under the contract before the expiry of 03 working days from the date of signing of the contract, unless otherwise provided by law;

dd) Disclaiming the responsibility for activities of door-to-door sellers in cases where such sellers cause damages to consumers.

e) Failing to fully and accurately explain to consumers about terms of contracts, or information related to the goods and services to be transacted with such consumers;

g) Door-to-door sale contract is not made in writing and delivered to consumers a copy as prescribed by law provisions, unless otherwise agreed by the parties.

## 2. Remedial measures:

Forcible surrendering of illegal benefits gained from committing acts of violation specified at Point d, Clause 1 of this Article

### **Article 56. Acts of violation of goods warranty liability**

1. A fine of between VND 5,000,000 and VND 10,000,000 shall be imposed on entrepreneurs trading goods who commit one of the following violations in cases where the warranted goods are valued at less than VND 20,000,000:

a) Failing to provide consumers with written receipt of warranty that clearly states the warranty period;

b) Failing to provide consumers with similar goods, components or accessories for temporary use or failing to settle in other forms accepted by consumers during the warranty period;

c) Failing to change new or similar goods, components and accessories or failing to withdraw goods and return money to consumers in cases where the time of goods, component and accessory warranty is expired, but defects have not repaired or fixed;

d) Failing to change new or similar goods, components and accessories or failing to withdraw goods, components, accessories and return money to consumers in cases of having conducted the warranty for goods, components, accessories for 03 times and more within the warranty period but still failing to fix defects;

dd) Failing to pay costs for repair or transport of goods, components or accessories to warranty places and from warranty places to residential places of consumers;

e) Failing to perform or perform improperly or perform incompletely responsibilities of warranty for goods, components or accessories committed with consumers;

g) Disclaiming the responsibility for warranty of goods, components and accessories for consumers in cases where they authorize other organizations or individuals to perform the warranty.

2. A fine of between VND 10,000,000 and VND 20,000,000 shall be imposed on acts of violation specified in Clause 1 of this Article in cases where the relevant goods, components or accessories are valued at between VND 20,000,000 and less than VND 50,000,000.

3. A fine of between VND 20,000,000 and VND 30,000,000 shall be imposed on acts of violation specified in Clause 1 of this Article in cases where the relevant goods, components or accessories are valued at between VND 50,000,000 and less than VND 100,000,000.

4. A fine of between VND 30,000,000 and VND 40,000,000 shall be imposed on acts of violation specified in Clause 1 of this Article in cases where the relevant goods, components or accessories are valued at between VND 100,000,000 and less than VND 500,000,000.

5. A fine of between VND 40,000,000 and VND 50,000,000 shall be imposed on acts of violation specified in Clause 1 of this Article in cases where the relevant goods, components or accessories are valued at between VND 500,000,000 and less than VND 1,000,000,000.

6. A fine of between VND 50,000,000 and VND 70,000,000 shall be imposed on acts of violation specified in Clause 1 of this Article in cases where the relevant goods, components or accessories are valued at between VND 1,000,000,000 and less than VND 2,000,000,000.

7. A fine of between VND 70,000,000 and VND 100,000,000 shall be imposed on acts of violation specified in Clause 1 of this Article in cases where the relevant goods, components or accessories are valued at VND 2,000,000,000 or more.

#### **Article 57. Acts of violation on responsibility to withdraw goods with defects**

1. A fine of between VND 10,000,000 and VND 30,000,000 shall be imposed on entrepreneurs producing or importing goods with defects who commit one of the following acts of violation:

a) Failing to take necessary measures in order to stop the supply of goods with defects on the market;

b) Failing to comply with the withdrawal of goods with defects according to contents already been publicly notified or fail to pay costs occurred during the withdrawing process.

2. A fine of between VND 30,000,000 and VND 50,000,000 shall be imposed on entrepreneurs producing or importing goods with defects who commit one of the following acts of violation:

a) Failing to notify publicly about goods with defects and the withdrawal of such goods as prescribed by law provisions;

b) Failing to notify about results of withdrawal of goods with defects to competent state agencies on protection of customers' rights as prescribed by law provisions.

3. Remedial measures:

Forcible recall of goods with defects, for acts of violation specified in Clause 1 of this Article.

#### **Article 58. Acts of violation on providing evidence of transactions**

1. A warning or a fine of between VND 200,000 and VND 500,000 shall be imposed on one of the following violations in the case where goods or services of transaction have a value of less than VND 2,000,000:

a) Failing to make or provide to customers or consumers with bills, documents or materials related to the transactions when selling goods or providing services as prescribed by law provisions;

b) Failing to let customers and consumers access, download, store and print invoices, vouchers, documents in cases where the transactions are carried out via electronic means.

2. A fine of between VND 500,000 and VND 1,000,000 shall be imposed on acts of violation specified in Clause 1 of this Article in cases where the goods and services of transaction are valued at between VND 2,000,000 and less than VND 10,000,000.

3. A fine of between VND 1,000,000 and VND 5,000,000 shall be imposed on acts of violation specified in Clause 1 of this Article in cases where the goods or services of transaction are valued at between VND 10,000,000 and less than VND 20,000,000.

4. A fine of between VND 5,000,000 and VND 10,000,000 shall be imposed on acts of violation specified in Clause 1 of this Article in cases where the goods or services of transaction are valued at between VND 20,000,000 and less than VND 50,000,000.

5. A fine of between VND 10,000,000 and VND 20,000,000 shall be imposed on acts of violation specified in Clause 1 of this Article in cases where the goods or services of transaction are valued at between VND 50,000,000 and less than VND 100,000,000.

6. A fine of between VND 20,000,000 and VND 30,000,000 shall be imposed on acts of violation specified in Clause 1 of this Article in cases where the goods or services of transaction are valued at between VND 100,000,000 and less than VND 200,000,000.

7. A fine of between VND 30,000,000 and VND 40,000,000 shall be imposed on acts of violation specified in Clause 1 of this Article in cases where the goods or services of transaction are valued at between VND 200,000,000 and less than VND 500,000,000.

8. A fine of between VND 40,000,000 and VND 50,000,000 shall be imposed on acts of violation specified in Clause 1 of this Article in cases where the goods or services of transaction are valued at VND 500,000,000 or more.

#### **Article 59. Acts of violation on harassing consumers**

A fine of between VND 1,000,000 and VND 2,000,000 shall be imposed on entrepreneurs trading goods or services who commit one of the following acts of violation:

1. Harassing consumers through marketing goods or services contrary to the wishes of consumers 02 times or more;

2. Having acts of hindering, affecting the work, the normal life of consumers.

#### **Article 60. Acts of violation on forcing consumers**

1. A fine of between VND 10,000,000 and VND 30,000,000 shall be imposed on one of the following acts of forcing consumers:

a) Using forces or threatening to use forces or other acts causing damages to health, honor, prestige, dignity and property of consumers to force transactions;

b) Taking advantages of difficult circumstances of consumers or exploiting natural disasters, epidemics to force transactions;

2. Additional penalties:

Confiscation of exhibits and means used to commit violation, for acts of violation specified in Clause 1 of this Article.

3. Remedial measures:

Forcible surrendering of illegal benefits gained from committing acts of violation specified in this Article.

#### **Article 61. Other acts of violation in relationship with customers or consumers**

1. A fine of between VND 500,000 and VND 1,000,000 shall be imposed on one of the following acts in cases where the goods or services of transaction are valued at less than VND 5,000,000:

a) Failing to compensate, refund money or change goods or services with customers, consumers by mistakes;

b) Exchanging fraudulently or cheating on goods or services when delivering goods or providing services to customers or consumers;

c) Failing to compensate, refund money or change goods or services which are fraudulently exchanged or cheated to customers or consumers;

d) Arbitrarily cutting down the packaging, spare parts, replacement parts, promotional goods, technical documentation and manuals enclosed when selling goods or providing services;

dd) Conducting trade promotion activities or requesting direct transactions with the persons who have no civil act capacity or who have lost civil act capacity;

e) Requesting or forcing consumers to pay costs for goods or services provided without prior agreement with consumers;

g) Taking advantages of difficult circumstances of consumers or exploiting natural disasters, epidemics to provide goods or services that do not ensure the quality.

2. A fine of between VND 1,000,000 and VND 5,000,000 shall be imposed on acts of violation specified in Clause 1 of this Article in cases where goods or services of transaction have a value of between VND 5,000,000 and less than VND 20,000,000.

3. A fine of between VND 5,000,000 and VND 10,000,000 shall be imposed on acts of violation specified in Clause 1 of this Article in cases where the goods or services of transaction are valued at between VND 20,000,000 and less than VND 50,000,000.

4. A fine of between VND 10,000,000 and VND 15,000,000 shall be imposed on acts of violation specified in Clause 1 of this Article in cases where the goods or services of transaction are valued at between VND 50,000,000 and less than VND 100,000,000.

5. A fine of between VND 15,000,000 and VND 20,000,000 shall be imposed on acts of violation specified in Clause 1 of this Article in cases where the goods or services of transaction are valued at VND 100,000,000 or more.

6. A fine of between VND 1,000,000 and VND 5,000,000 shall be imposed on one of the following acts of violation:

a) Failing to explain or failing to explain in time or failing to provide information, documents and evidence at the request of state management agencies on protection of consumer rights as prescribed by law provisions;

b) Refusing consumers' request to conduct negotiation or failing to negotiate with consumers within a period of 07 working days from the date of receiving customers' request as prescribed by law provisions.

7. Additional penalties:

Deprivation of the right to use business licenses, certificates of eligibility for business, or practicing certificates for a period of between 01 month and 03 months or suspension of operation for a period of between 01 month and 03 months, for acts of violation specified in Clauses 4 and 5 of this Article in cases of repeated violation or recidivism.

8. Remedial measures:

- a) Forcible recall of unsatisfactory goods, for acts of violation specified at Point g, Clause 1 in the cases specified from Clause 1 to Clause 5 of this Article;
- b) Forcible surrendering of illicit benefits gained from committing acts of violation specified in Clauses 1, 2, 3, 4 and 5 of this Article.

## **Section 10**

### **ACTS OF VIOLATION ON E-COMMERCE**

**Article 62. Acts of violation on setting up e-commerce websites or e-commerce applications on mobile platforms (hereinafter referred to as mobile applications)**

1. A fine of between VND 1,000,000 and VND 5,000,000 shall be imposed on one of the following acts of violation:

- a) Failing to supplementing notification documents related to e-commerce websites for sale or sale applications on mobile platforms (hereinafter referred to as sale applications) as prescribed by law provisions;
- b) Failing to supplement registration documents related to websites that provide e-commerce services or applications that provide e-commerce services on mobile platforms (hereinafter referred to as e-commerce applications ) as prescribed by law provisions;
- c) Failing to notify of amendments and supplementations as prescribed when having changes of information related to e-commerce websites for sale or sale applications after notifying competent state agencies as prescribed by law provisions;
- d) Failing to comply with provisions on forms, specifications to disclose information on e-commerce websites or e-commerce applications;
- dd) Failing to disclose fully or disclosing inaccurately on e-commerce websites or sale applications information about owners of such websites or sale applications, or information about goods and services, information about prices, transportation and delivery, general transaction conditions, or payment methods as prescribed by law provisions;
- e) Receiving transfer of e-commerce websites or sale applications without carrying out transfer procedures or without reporting to competent state agencies as prescribed by law provisions.

2. A fine of between VND 5,000,000 and VND 10,000,000 shall be imposed on one of the following acts of violation:

a) Providing incomplete or false information when notifying competent state agencies about the set-up of e-commerce websites or sale applications;

b) Disclosing registration information on e-commerce websites or e-commerce applications in contradiction with the contents registered with competent state agencies;

c) Displaying the logos that prove their completion of notification on e-commerce website or sale applications while their notifications have not been approved or confirmed by competent state agencies as prescribed by law provisions;

d) Failing to provide information on business situation or failing to explain operation of e-commerce websites or e-commerce applications at the request of competent state agencies in order to serve e-commerce statistics, inspection, examination and violation handling in e-commerce as prescribed by law provisions.

3. A fine of between VND 10,000,000 and VND 20,000,000 shall be imposed on one of the following acts of violation:

a) Failing to notify competent state agencies of e-commerce websites or sale applications as prescribed by law provisions;

b) Failing to notify competent state agencies of amendments or supplementations when having changes of information related to e-commerce websites or e-commerce applications of e-commerce services registered as prescribed by law provisions;

c) Cheating or providing false information when announcing e-commerce websites for sale or sale applications;

d) Forging information on e-commerce websites for sale or sale applications.

4. A fine of between VND 20,000,000 and VND 30,000,000 shall be imposed on one of the following acts of violation:

a) Failing to register e-commerce websites or e-commerce applications with competent state agencies as prescribed by law provisions;

b) Receiving transfer of e-commerce websites or e-commerce applications without carrying out transfer procedures or without re-registering with competent state agencies as prescribed by law provisions;

c) Providing e-commerce services inconsistently with the registration documents;

d) Cheating or providing false information when registering e-commerce websites or e-commerce applications;

dd) Falsifying registration information on e-commerce websites or e-commerce applications;

e) Displaying the logos that prove their completion of registration on e-commerce websites or e-commerce applications while their registration has not been confirmed by competent state agencies as prescribed by law provisions;

g) Continuing to provide e-commerce services after terminating or canceling the registration.

#### 5. Additional penalties:

Suspension of e-commerce activities for a period of between 6 months and 12 months, for acts of violation specified in Clauses 2, 3 and 4 of this Article in cases of repeated violation or recidivism.

#### 6. Remedial measures:

Forcible revocation of the domain name “.vn” of e-commerce websites or forcible removal of mobile applications from application stores or on addresses provided, for acts of violation specified at Points b, c, d, dd, e and g, Clause 4 of this Article.

### **Article 63. Acts of violation on information and transactions on e-commerce websites or mobile applications**

1. A fine of between VND 1,000,000 and VND 5,000,000 shall be imposed on one of the following acts of violation:

a) Failing to provide customers with sufficient information about entrepreneurs, organizations or individuals that own e-commerce websites or mobile applications, or information about goods, services, prices, transportation and delivery, payment methods, contract terms and general transaction conditions before the customers enter into contracts to use the online ordering function on e-commerce websites or mobile applications;

b) Failing to let customers review, supplement, modify or confirm contents of transactions before using the online ordering function on e-commerce sites or mobile applications to send the proposal for entering into contracts;

c) Setting up e-commerce websites or e-commerce applications or websites providing other online services without disclosing clear and sufficient information on processes and procedures for termination of contracts as prescribed by law provisions;

d) Setting up the online ordering function on e-commerce websites or mobile applications but the process of entering into contracts fail to comply with law provisions.

2. A fine of between VND 5,000,000 and VND 10,000,000 shall be imposed on one of the following acts of violation:

a) Using links to provide information which is contrary or falsified in comparison with the published information in the area of e-commerce websites or mobile applications where such links are attached;

b) Intervening in operating systems and Internet browsers in the electronic equipment accessing to e-commerce websites or mobile applications in order to force customers to save such websites or install such mobile applications in contrary to their wishes.

3. A fine of between VND 10,000,000 and VND 20,000,000 shall be imposed on one of the following acts of violation:

a) Providing false information about entrepreneurs, organizations or individuals that own e-commerce websites or mobile applications, information about goods, services, prices, transportation and delivery, payment methods, contract terms and general transaction conditions on e-commerce websites or mobile applications;

b) Providing information, trading or selling counterfeit goods, goods or services infringing intellectual property rights, goods or services banned from trading on the internet;

c) Failing to let customers store information that confirm contents of transactions after entering into contracts by using the online ordering function on e-commerce websites or mobile application;

d) Implementing online payment function on e-commerce websites or mobile applications but there are no mechanisms for customers to review and confirm detailed information of each payment transaction before using this function to make the payments;

dd) Failing to store data on payment transactions made through their systems in accordance with the time limits as prescribed by law provisions.

e) Failing to comply with the terms of concluded contracts or unilaterally terminating concluded contracts on using the online ordering function on e-commerce websites or mobile applications as prescribed by law provisions;

g) Failing to provide information or report statistics on the provision of intermediary payment services for e-commerce websites to competent state agencies as prescribed by law provisions.

4. A fine of between VND 20,000,000 and VND 30,000,000 shall be imposed on one of the following acts of violation:

a) Using links, logos or other technologies to cause confusion about the relationship with other entrepreneurs, organizations or individuals;

b) Using the logos of programs evaluating the prestige of e-commerce websites or mobile applications when such websites or mobile application have not yet been accredited officially by these programs;

c) Falsifying information of other entrepreneurs, organizations or individuals to participate in e-commerce activities;

d) Failing to take measures to ensure the safety and security for payment transactions of customers.

5. A fine of between VND 30,000,000 and VND 40,000,000 shall be imposed on one of the following acts of violation:

a) Forging or copying the interfaces of e-commerce websites of other entrepreneurs, organizations and individuals to make profit or to cause confusion or to lose confidence of customers with such entrepreneurs, organizations and individuals;

b) Stealing, disclosing, transferring, selling information related to trade secrets of other entrepreneurs, organizations, or personal information of consumers in e-commerce without the consent of relevant parties.

6. A fine of between VND 40,000,000 and VND 50,000,000 shall be imposed on one of the following acts of violation:

a) Cheating customers on e-commerce websites or mobile applications;

b) Taking advantage of the name of e-commerce business to illegally mobilize capital from other entrepreneurs, organizations or individuals.

7. Additional penalties:

a) Confiscation of exhibits and means used to commit acts of violation specified in Clauses 5 and 6 of this Article;

b) Suspension of e-commerce activities for a period of between 6 months and 12 months, for acts of violation specified in Clauses 5 and 6 of this Article.

8. Remedial measures:

a) Forcible correction of false or confusing information, for acts of violation specified at Point a, Clause 3, Points a, b and c, Clause 4 and Point a, Clause 5 of this Article;

b) Forcible revocation of the domain name “.vn” of e-commerce websites or forcible removal of mobile applications from application stores or on addresses provided, for acts of violation specified in Clause 5 and 6 of this Article;

c) Forcible surrendering of illegal benefits gained from committing acts of violation specified in Clause 5 and Clause 6 of this Article.

#### **Article 64. Acts of violation on provision of e-commerce services**

1. A fine of between VND 1,000,000 and VND 5,000,000 shall be imposed on one of the following acts of violation:

a) Failing to publish on the website clearly the process of receiving, responsibility for handling customers’ complaints and mechanisms of settling disputes related to contracts concluded on online promotion websites or e-commerce applications;

b) Failing to publish mechanisms of settling disputes arising in the course of conducting transactions on e-commerce transaction floors and online auction websites or e-commerce applications;

c) Failing to publish sufficient information about the goods or services being promoted on online promotion websites or e-commerce applications as prescribed by law provisions;

d) Failing to provide customers with sufficient information about auction location and time, notification of goods auction, methods of determining buyers, notification of auction results on websites or online auction applications as prescribed by law provisions.

2. A fine of between VND 5,000,000 and VND 10,000,000 shall be imposed on one of the following acts of violation:

a) Setting up the online ordering function on e-commerce websites or e-commerce applications in order to enable entrepreneurs, organizations and individuals to enter into contracts, but the process of concluding such contracts does not comply with law provisions;

b) Failing to support customers to protect their legitimate rights and interests when conflicts with the sellers arise in transactions on e-commerce websites or e-commerce applications;

c) Failing to notify of auction results and send such results to sellers, buyers and related parties as prescribed by law provisions;

d) Failing to provide sellers with information about the progress of auctions organized by the sellers upon request.

3. A fine of between VND 10,000,000 and VND 20,000,000 shall be imposed on one of the following acts of violation:

a) Failing to ensure safety for consumers' personal information and business confidential information of entrepreneurs, organizations or individuals participating in transactions on e-commerce websites or e-commerce applications;

b) Failing to publish regulations or publishing regulations on websites that are different from information in the registration dossiers of e-commerce websites or e-commerce applications certified by competent state agencies;

c) Changing contents of regulations on e-commerce websites or e-commerce applications without informing to the subjects who use those services before applying such changes;

d) Failing to developing mechanisms of checking and monitoring to ensure that sellers' information provision on e-commerce websites or mobile applications is carried out in an accurate and complete manner;

dd) Setting up e-commerce websites or e-commerce applications or websites providing other online services without providing customers with online tools to send requests for terminating contracts when they no longer wish to use such services;

e) Unilaterally terminating contracts or stopping provision of services on e-commerce websites or e-commerce applications or websites providing other

online services without informing customers using services about such termination or without plausible reasons.

4. A fine of between VND 20,000,000 and VND 30,000,000 shall be imposed on one of the following acts of violation:

a) Failing to request entrepreneurs, organizations and individuals being sellers on e-commerce websites or e-commerce applications to provide information as prescribed by law provisions;

b) Failing to store registration information of entrepreneurs, organizations or individuals participating in e-commerce websites or e-commerce applications;

c) Setting up online auction websites or e-commerce applications without providing tools for sellers to publicly, fully and accurately notify and list necessary information related to auctioned goods, including pictures of goods and accompanying introduction brochures;

d) Setting up online auction websites or e-commerce applications but the technical system serving online auction activities fail to comply with law provisions;

dd) Failing to take measures to prevent and to remove from e-commerce websites or mobile applications information on selling goods or providing services that are included in the list of goods or services banned from trading as prescribed by law provisions, and goods restricted from trading as prescribed by law provisions.

5. A fine of between VND 30,000,000 and VND 40,000,000 shall be imposed on one of the following acts of violation:

a) Failing to take timely handling measures when detecting or receiving reports of illegal business acts on e-commerce websites or e-commerce applications;

b) Failing to provide information and to assist state management agencies in investigating illegal business acts on e-commerce websites or e-commerce applications;

c) Arbitrarily changing, deleting, cancelling, copying, disclosing or illegally removing customers' payment information on e-commerce websites or e-commerce applications, or letting customers' payment information via e-commerce websites or e-commerce applications appropriated, causing damages to customers.

6. A fine of between VND 40,000,000 and VND 50,000,000 shall be imposed on acts of organizing business and marketing networks for e-commerce services in which each participant must pay an initial sum of money to purchase services and to receive commissions, bonuses or other economic benefits from mobilizing others to join such networks.

7. Additional penalties:

a) Confiscation of exhibits and means used to commit acts of violation specified in Clause 6 of this Article

b) Suspension of e-commerce activities for a period of between 06 months and 12 months, for acts of violation specified in Clause 6 of this Article.

8. Remedial measures:

a) Forcible revocation of the domain name “.vn” of e-commerce websites or forcible removal of mobile applications from application stores or on addresses provided, for acts of violation specified in Clause 6 of this Article;

b) Forcible surrendering of illegal benefits gained from committing acts of violation specified in Clause 6 of this Article.

**Article 65. Acts of violation in protection of personal information in e-commerce activities**

1. A fine of between VND 1,000,000 and 5,000,000 shall be imposed on one of the following acts:

a) Developing policies in protection of personal information against law provisions;

b) Failing to display policies on protecting personal information on e-commerce sites at positions which are easy to get noticed by consumers

2. A fine of between VND 5,000,000 and 10,000,000 shall be imposed on one of the following acts:

a) Failing to display in a clear manner the policies on protecting personal information prior to or at the time of collecting information;

b) Failing to check, update, adjust or discard personal information upon being requested by the subject of information;

c) Failing to establish a mechanism in which the subject of information can express their consents clearly when their information is collected online on websites, email, messages or other means agreed upon by both parties;

d) Failing to establish a mechanism in which the subject of information is enabled to decide whether or not their personal information shall be allowed for use in the cases, including sharing, disclosure, transference to a third party or making use of their personal information to send advertisements, product brochures and other commercial information.

3. A fine of between VND 10,000,000 and 20,000,000 shall be imposed on one of the following acts:

a) Failing to establish a mechanism to receive and settle consumers' complaints related to the use of personal information beyond the notified purpose or scope.

b) Failing to build, promulgate and implement policies to ensure safety and security for the collection and use of personal information of consumers.

c) Failing to publicize the privacy policies for payment information of customers on websites with the online payment function.

4. A fine of between VND 20,000,000 and 30,000,000 shall be imposed on one of the following acts:

a) Collecting personal information of consumers without the prior consent of the subject of information;

b) Setting up a default mechanism to force consumers to agree with the fact that their personal information shall be shared, disclosed or used for purposes of advertising and other commercial purposes;

c) Using the personal information of consumers improperly with the purpose and the notified scope.

5. Additional penalties:

Suspending e-commerce activities, from 06 months to 12 months, for acts of violations specified in Clause 4 of this Article in cases of repeated violations or recidivism.

6. Remedial measures:

Forcible surrendering of illegal profits gained from conducting acts of violations specified in Clause 4 of this Article.

#### **Article 66. Acts of violation on activities of assessment, supervision and certification in e-commerce**

1. A fine of between VND 5,000,000 and 10,000,000 shall be imposed on one of the following acts:

a) Failing to publish procedures and criteria for evaluation, supervision and certification on the e-commerce websites or mobile applications;

b) Failing to supplement the registration dossier for evaluation, supervision and certification on the e-commerce websites or mobile applications as prescribed by the law;

c) Failing to supplement, update and publish the list of e-commerce websites or mobile applications under its evaluation, supervision and authentication in accordance with the law.

2. A fine of between VND 10,000,000 and 20,000,000 shall be imposed on one of the following acts:

a) Failing to comply with process and criteria for evaluation, supervision and certification as announced;

b) Failing to supervise activities of e-commerce websites under its evaluation, supervision and authentication.

3. A fine of between VND 20,000,000 and 30,000,000 shall be imposed on one of the following acts:

a) Providing services on assessment, supervision and authentication in e-commerce which do not comply with the registration or licensing dossiers;

b) Failing to perform statistical and reporting obligations as prescribed by the law.

4. A fine of between VND 30,000,000 and 40,000,000 shall be imposed on one of the following acts:

a) Providing services on assessment, supervision and certification in e-commerce without confirmation of registration or licensing as prescribed by the law;

b) Forging or providing false information when registering or applying for a license to provide services on assessment, supervision and certification in e-commerce;

c) Failing to coordinate with state management agencies in inspecting, examining and handling e-commerce websites or mobile applications having the credit icon but showing sign of law violations;

d) Failing to coordinate with state management agencies in inspecting, examining and handling entrepreneurs and organizations which have been certified for policies on protection of personal information but show signs of law violations;

dd) Failing to supply documents and support state management agencies in investigating acts of law violations pertaining to its electronic documents being stored and certified.

5. A fine of between VND 40,000,000 and 50,000,000 shall be imposed on one of the following acts:

a) Taking advantage of evaluation, supervision and authentication in e-commerce to earn illicit profits;

b) Continuing to operate after its registration terminates or is canceled, or after its Operating license on assessment, supervision and authentication in e-commerce terminates or is revoked.

6. Additional penalties:

a) Depriving the right to use the Operating license on assessment, the Certification on policies to protect personal information, and the License for certifying e-contracts in e-commerce, from 06 months to 12 months, for acts of violations specified at Point b under Clause 4 and at Point a under Clause 5 of this Article;

b) Suspending activities of credit assessment of e-commerce websites and mobile applications, from 06 months to 12 months, for acts of violations specified at Point a and Point b under Clause 4 and at Point a under Clause 5 of this Article.

7. Remedial measures:

Forcible surrendering of illegal profits gained from conducting acts of violations specified in Clause 5 of this Article.

## Section 11

### ACTS OF VIOLATION RELATED TO THE ESTABLISHMENT AND OPERATION OF COMMERCIAL ACTIVITIES OF FOREIGN ENTREPRENEURS AND FOREIGNERS IN VIETNAM

**Article 67. Acts of violation in establishment and operation of representative offices of foreign entrepreneurs in Vietnam (hereinafter referred to as representative offices)**

1. A fine of between VND 5,000,000 and 10,000,000 shall be imposed on one of the following acts:

a) Untruthful declaration of contents in the dossier for the issuance, re-issuance, modification or extension of licenses for establishment of representative offices;

b) Failing to conduct public listings, in accordance with law provisions, upon termination of operation of the representative office.

2. A fine of between VND 10,000,000 and 20,000,000 shall be imposed on one of the following acts:

a) Failing to set up a head office, or subleasing its head office, or failing to operate at the right address specified in the license for establishment of a representative office;

b) Failing to perform periodic reports or reporting dishonestly on the activities of a representative office with the competent state management agency that has granted the license as prescribed by the law;

c) Failing to submit reports or provide documents or explanations about issues related to the operation of a representative offices at the request of competent state agencies as prescribed by the law;

d) Failing to carry out procedures for amendment, or re-issuance of a license for setting up a representative office in cases as prescribed by the law;

dd) Additionally self-writing, erasing or modifying contents of a license for setting up the representative office which has already been granted.

3. A fine of between VND 20,000,000 and 30,000,000 shall be imposed on one of the following acts:

a) Forging papers, documents in the application dossier for the issuance, re-issuance, amendment, supplementation, extension of the license for setting up a representative office, in case of not being examined for penal liability;

b) Operating improperly with contents specified in the license of the representative office;

c) The head of a representative office concurrently is the head of a branch of such foreign entrepreneur or of another foreign entrepreneur in Vietnam;

d) The head of a representative office concurrently is the legal

representative of a foreign entrepreneur;

dd) The head of a representative office concurrently is the legal representative of an enterprise being established in accordance with the law of Vietnam;

e) Hiring, borrowing or renting, lending a license for establishment of a representative office;

4. A fine of between VND 30,000,000 and 50,000,000 shall be imposed on one of the following acts:

a) Continuing operation after the foreign entrepreneur stops their operation;

b) Continuing operation after a competent state management agency withdraws the license for establishment of a representative office; or the license expires and is refused for extension.

5. Additional penalties:

a) Confiscation of exhibits of violation, for acts specified at Point dd under Clause 2 of this Article;

b) Depriving the right to use the license for establishment of a representative office, from 01 month to 03 months, for acts of violations specified at Points b, c, d, dd, and e under Clause 3 of this Article.

6. Remedial measures:

Forcible surrendering of illegal profits gained from conducting acts of violations specified at Point e, Clause 3 of this Article.

**Article 68. Acts of violation on setting up and operating representative offices of foreign trade promotion organizations in Vietnam (hereinafter referred to as offices)**

1. A fine of between VND 10,000,000 and 20,000,000 shall be imposed on one of the following acts:

a) Declaring dishonestly or incorrectly contents of the application dossier for the issuance, re-issuance, amendment, supplementation, extension of the license for establishment of a representative office;

b) Failing to conduct public notification on the operation of the office in Vietnam after having its license for establishment of the representative office granted, re-granted, amended or extended in accordance with the law;

c) Failing to conduct procedures for amendment, supplementation of the license for establishment of the representative office in the provided time when changing the head of the office; changing the location of the head office; changing the name or the operation of the licensed office; changing the location of the head office of a foreign trade promotion organization; changing the name or changing the registered address of a foreign trade promotion organization from one country to another or changing the operation of a foreign trade promotion organization;

d) Additionally self-writing, erasing or amending contents specified in a granted license for establishment of a representative office;

dd) Failing to set up the head office of a representative office at the address specified in the license for establishment of a representative office;

e) Subleasing the head office or performing the representative function for another trade promotion organization.

2. A fine of between VND 20,000,000 and 30,000,000 shall be imposed on one of the following acts:

a) Failing to submit a report or submit a report which does not comply with the prescribed time limit, or failing to provide documents or explanations on issues pertaining to activities of the office at the request of a competent state agency;

b) Failing to conduct operation in accordance with the contents specified the license for establishment of a representative office;

c) The head of the office concurrently is the head of the representative office of another foreign entrepreneur or organization in Vietnam;

d) Continuing operation after the license for establishment of a representative office is revoked by the licensing agency or the operating period specified in the license for establishment of a representative office is expired but has not yet been extended;

dd) Continuing operation after its foreign trade promotion organization terminates their operation.

3. A fine of between VND 30,000,000 and 50,000,000 shall be imposed on one of the following acts:

a) Setting up an office which is directly associated with a representative office of a trade promotion organization in Vietnam;

b) Conducting activities relating to trade promotion in Vietnam without setting up of a trade promotion representative office in accordance with law provisions;

c) Setting up a trade promotion representative office illegally in Vietnam;

dd) Directly conducting profit-generating activities in Vietnam.

4. Additional penalties:

Confiscation of exhibits of violation, for acts specified at Point d, Clause 1 of this Article;

5. Remedial measures:

Forcible surrendering of illegal profits gained from conducting acts of violations specified at Point e under Clause 1 and Point d under Clause 3 of this Article.

**Article 69. Acts of violation on the establishment and commercial operation of Vietnam-based branches of foreign entrepreneurs (hereinafter referred to as branches)**

1. A fine of between VND 10,000,000 and 20,000,000 shall be imposed on the act of declaring dishonestly contents in the application dossier for the issuance, re-issuance, amendment, supplementation, extension of the license for establishment of a branch.

2. A fine of between VND 20,000,000 and 30,000,000 shall be imposed on one of the following acts:

a) Failing to establish a head office of the branch, or subleasing the head office, or failing to operate at the right address specified in the license for establishment of a branch;

b) Failing to conduct periodic reports, or reporting dishonestly on the activities of the branch with the competent state management agency having granted the license in accordance with law provisions;

c) Failing to submit reports or provide documents or explanation about issues related to the operation of a branch at the request of competent state agencies;

d) Failing to carry out procedures for amendment, supplementation or re-issuance of a license for establishment of a branch in cases prescribed by the law;

dd) Additionally self-writing, erasing or modifying contents specified in a granted license for establishment of a branch;

3. A fine of between VND 30,000,000 and 40,000,000 shall be imposed on one of the following acts:

a) Falsifying papers, documents in the application dossier for issuance, re-issuance, amendment, supplementation or extension of the license for establishment of a branch, in cases of not being examined for penal liability;

b) Failing to conduct operation in accordance with the contents specified the license for establishment of a branch;

c) The head of the branch concurrently is the head of a representative office of such foreign entrepreneur or of another foreign entrepreneur in Vietnam;

d) The head of the branch concurrently is the legal representative of an enterprise being established in accordance with the law of Vietnam;

dd) Hiring, borrowing or renting, lending a license for establishment of a branch;

4. A fine of between VND 40,000,000 and 50,000,000 shall be imposed on one of the following acts:

a) Continuing operation after the foreign entrepreneur stops its operation;

b) Continuing operation after the competent state management agency

revokes its license for establishment of a branch, or the license is expired but has not been extended.

5. Additional penalties:

a) Confiscation of exhibits of violation for acts specified at Point dd, Clause 2 of this Article;

b) Depriving the right to use the license for establishment of a branch, from 01 months to 03 months, for acts of violations specified at Points b, c, d, and dd under Clause 3 of this Article;

6. Remedial measures:

Forcible surrendering of illegal profits gained from conducting acts of violations specified at Point dd under Clause 3 and Clause 4 of this Article.

**Article 70. Acts of violation on goods sale and purchase activities or activities related directly to goods sale and purchase of foreign-invested enterprises in Vietnam**

1. A fine of between VND 10,000,000 and 20,000,000 shall be imposed on one of the following acts:

a) Declaring dishonestly contents of the application dossier for the issuance, re-issuance, amendment, supplementation, extension of the business license, license for establishment of a retail establishment;

b) Failing to declare the loss of the business license or the license for establishment of a retail establishment with the competent state management agencies as prescribed by the law;

c) Failing to submit reports, provide documents or explanations on issues related to the operation of the enterprise with competent state agencies in accordance with the law;

2. A fine of between VND 20,000,000 and 30,000,000 shall be imposed on one of the following acts:

a) Failing to conduct procedures for amendment, supplementation of the business license or the license for establishment of a retail establishment as prescribed by the law when there are changes in one of the contents specified in the business license or the license for establishment of a retail establishment;

b) Failing to conduct procedures for re-issuance of the business license or the license for establishment of a retail establishment in cases where the business license or the license for establishment of a retail establishment is lost, ragged, crushed, fired or destroyed under other forms as prescribed by the law.

3. A fine of between VND 30,000,000 and 40,000,000 shall be imposed on one of the following acts:

a) Organizing a network to buy goods in mass in Vietnam for export which is in contradiction to legal provisions of Vietnam and international treaties in

which the Socialist Republic of Vietnam is a signatory;

b) Organizing or participating in a goods distribution system in Vietnam which is in contradiction to legal provisions of Vietnam and international treaties in which the Socialist Republic of Vietnam is a signatory;

c) Trading goods or services which do not comply with commitments on opening the market of Vietnam or do not comply with legal provisions of Vietnam;

d) Operating beyond the scope of contents specified in the business license or the license for establishment of a retail establishment;

dd) Setting up a retail establishment in Vietnam illegally.

4. A fine of between VND 40,000,000 and VND 50,000,000 shall be imposed on the act of continuing its operation after the competent state management agency revokes its business license or its license for establishment of a retail establishment, or its business license or its license for establishment of a retail establishment is expired but has not been extended.

5. Additional penalties:

Deprive the right to use its business license or its license for establishment of a retail establishment, from 01 month to 06 months; or suspending its operation, from 01 month to 03 months, for acts of violations specified in Clause 3 of this Article.

6. Remedial measures:

Forcible surrendering of illegal profits gained from conducting acts of violations specified in Clause 3 and Clause 4 of this Article.

#### **Article 71. Acts of violation on performance of the export right, the import right of foreign entrepreneurs without their presence in Vietnam**

1. A fine of between VND 10,000,000 and 20,000,000 shall be imposed on one of the following acts:

a) Declaring dishonestly contents in the application dossier for issuance, re-issuance, amendment, supplementation or extension of a certificate on registration of the export right and the import right;

b) Failing to register the contact address with competent state management agencies in accordance with law provisions;

c) Failing to conduct procedures for amendment, supplementation, re-issuance or extension of the certificate on registration of the export right and the import right as prescribed by the law;

d) Failing to perform or perform improperly provisions on the publication on mass media of Vietnam after being granted or amended, supplemented or extended the certificate on registration of the export right and the import right.

2. A fine of between VND 20,000,000 and 30,000,000 shall be imposed on

one of the following acts:

a) Failing to submit annual reports or ad-hoc reports at the request of the competent state management agencies on the situation of export or import of the entrepreneur as provided by the law, or failing to report in full, accurately or in the prescribed time limit;

b) Failing to send the written notification on the termination of its operation to the state agency which granted the certificate on registration of the export right and the import right, or failing to send the written notification timely before the date expected to terminate its operation in accordance with law provisions;

c) Failing to perform or perform improperly with provisions on the public notification on mass media in Vietnam when expecting to terminate its operation.

3. A fine of between VND 30,000,000 and 40,000,000 shall be imposed on one of the following acts:

a) Forging papers, documents in the application dossier for issuance, re-issuance, amendment, supplementation or extension of a certificate on registration of the export right and the import right, in cases of not being examined for penal liability;

b) Purchasing goods for export from, or selling the imported goods to Vietnamese entrepreneurs who do not register their business for such a category of goods;

c) Exporting a category of goods which is not under the category of goods permitted for export as specified in the certificate on registration of the export right and the import right which has been granted, amended, supplemented or extended;

d) Importing a category of goods which is not under the category of goods permitted for import as specified in the certificate on registration of the export right and the import right which has been granted, amended, supplemented or extended;

4. A fine of between VND 40,000,000 and VND 50,000,000 shall be imposed on acts of exporting or importing goods when the state management agency has withdrawn the certificate on registration of the export right and the import right, or the certificate on registration of the export right and the import right is expired but has not been extended.

5. Additional penalties:

Confiscation of exhibits of violation, for acts specified at Point d under Clause 3 and Clause 4 of this Article, except for cases where the remedial measure - as prescribed in Clause 6 of this Article – is applied.

6. Remedial measures:

Forcible deportation out of the territory of Vietnam at the import border gate, or forcible re-export of exhibits for acts of importing goods specified at Point

d under Clause 3 and Clause 4 of this Article.

**Article 72. Acts of violation on commercial activities of foreigners in the territory of Vietnam**

1. A fine of between VND 10,000,000 and 20,000,000 shall be imposed on foreigners who commit acts of illegally trading in the territory of Vietnam duty-free imported consumer goods for use according to the prescribed standards.

2. A fine of between VND 20,000,000 and VND 30,000,000 shall be imposed on foreigners who commit acts of illegal commercial operation in the territory of Vietnam.

3. A fine of between VND 30,000,000 and 50,000,000 shall be imposed on foreigners who commit one of the following acts of violations:

a) Conducting illegal commercial operation in an organized manner in the territory of Vietnam;

b) Consuming illegally - in the territory of Vietnam - means of movement, means of transport, informatics machines, office equipment or interior equipment which are imported with tax exemption for use according to the prescribed standards;

c) Consuming illegally means of movement, means of transport which temporarily imported into Vietnam.

4. Additional penalties:

Confiscation of exhibits and means of violations for acts prescribed in this Article.

5. Remedial measures:

Forcible surrendering of illegal profits gained from conducting acts of violations specified in this Article.

**Section 12**

**OTHER ACTS OF VIOLATION RELATED TO COMMERCIAL ACTIVITIES**

**Article 73. Acts of violation on business operation in the form of multi-level marketing**

1. A fine of between VND 3,000,000 and VND 5,000,000 shall be imposed on a person who participates in the multi-level marketing and commits one of the following acts of violation:

a) Conducting marketing, sales and multi-level marketing network development without a membership card;

b) Failing to present a membership card before introducing goods or marketing goods;

2. A fine of between VND 5,000,000 and VND 10,000,000 shall be

imposed on a participant in the multi-level marketing who commits one of the following acts of violation:

a) Failing to comply with provisions prescribed in the multi-level marketing contract and the operating regulations of a multi-level marketing enterprise;

b) Participating in multi-level marketing when not being qualified for doing so in accordance with law provisions;

c) Conducting multi-level marketing operation in localities where the enterprise has yet to be granted a confirmation for registration of multi-level marketing.

3. A fine of between VND 10,000,000 and VND 20,000,000 shall be imposed on a participant in the multi-level marketing who commits one of the following acts of violation:

a) Requiring others to deposit or to pay a certain amount of money or to buy a certain quantity of goods in order to be involved in a multi-level marketing contract;

b) Providing false or misleading information on the compensation plans, operation regulations, benefits of the participation in multi-level marketing, functions and usage of goods, operation of a multi-level marketing enterprise;

c) Organizing seminars, conferences, and training on conducting business in the form of multi-level marketing without the written authorization of a multi-level marketing enterprise;

d) Enticing, seducing or bribing people who have participated in the multi-level marketing of other enterprises to join the multi-level network of an enterprise in which they are participating in;

dd) Taking advantage of their own position, power, social or professional positions to encourage, request, entice, or seduce others to participate in the multi-level marketing network or to buy goods traded in the form of multi-level marketing.

4. A fine of between VND 20,000,000 and VND 30,000,000 shall be imposed on one of the following acts of violation:

a) Participating in activities of individuals and organizations who conduct business operation in the form of multi-level marketing without being granted a certificate for registration of multi-level marketing;

b) Organizing conferences, seminars, training, and introductory sessions on business operation in the form of multi-level marketing of individuals and organizations that have not been granted any certificates for registration of multi-level marketing;

5. A fine of between VND 30,000,000 and VND 50,000,000 shall be imposed on the act of conducting business operation in the form of multi-level marketing without having a certificate for registration of multi-level marketing,

in which the illegal profit earned from such operation is less than VND 200,000,000, or in which the loss caused by such operation to others is less than VND 500,000,000 – except for cases specified at Point h under Clause 9 of this Article.

6. A fine of between VND 30,000,000 and VND 40,000,000 shall be imposed on a multi-level enterprise which commits one of the following acts of violation:

a) Failing to conduct or improperly conducting procedures in request for amending or supplementing the certificate for registration of multi-level marketing in accordance with law provisions;

b) Failing to conduct or improperly conducting procedures for notification in cases where there are changes in the category of goods traded in the form of multi-level marketing in accordance with law provisions;

c) Failing to conduct procedures in request for the re-issuance of the certificate for registration of multi-level marketing in cases prescribed by the law;

d) Signing an agreement on participation in multi-level marketing with individuals who are not qualified for participating in multi-level marketing in accordance with law provisions;

dd) Signing an agreement on participation in multi-level marketing which does not include enough fundamental contents as prescribed by the law;

e) Failing to terminate agreement with a participant in multi-level marketing when this participant is punished for committing prohibited acts in multi-level marketing;

g) Failing to implement or improperly implementing provisions in compiling the list of Coach, in storing attached records, in publishing the list of Coach in the enterprise's e-portal site, and in sending written notification to the Ministry of Industry and Trade;

h) Failing to implement or improperly implementing provisions in updating the list of coach in the enterprise's e-portal site and in sending written notification to the Ministry of Industry and Trade when there are changes in the list of coach;

i) Failing to implement or improperly implementing provisions in publishing documents related to the operation and goods traded in the form of multi-level marketing of an entrepreneur at their head office, branches, representative offices, and places of business;

k) Failing to develop and publish the price of goods traded in the form of multi-level marketing, or failing to comply with the published price;

l) Failing to supervise activities of participants in multi-level marketing in order to ensure these participants comply with the enterprise's agreement on participation in multi-level marketing, operation regulations, and compensation plans;

m) Failing to implement or improperly implementing provisions in registering for amending and supplementing operation contents of multi-level marketing with the Department of Industry and Trade in cases prescribed by the law;

n) Having notified the organization of conferences, seminars and training courses to the Department of Industry and Trade but fails to do so without notifying the Department of Industry and Trade in writing as prescribed;

o) Failing to conduct procedures for adjusting the written confirmation of deposit with the bank when there are changes in the information specified in the deposit confirmation document;

p) Failing to comply with regulations on time limits for conducting procedures to extend the certificate on registration for multi-level marketing;

q) Failing to notify the agency issuing the certificate on registration for multi-level marketing in time, in cases where there are problems in the IT system in charge of managing the network of multi-level marketing participants;

r) Failing to implement or improperly implementing provisions in storing and presenting records and documents related to local multi-level marketing operation at the request of the competent agency;

s) Failing to perform or improperly perform reporting obligations in multi-level marketing operation in accordance with law provisions.

7. A fine of between VND 40,000,000 and VND 60,000,000 shall be imposed on a multi-level enterprise which commits one of the following acts of violation:

a) Organizing multi-level marketing in municipalities and provinces without a written confirmation of registration for multi-level marketing issued by the Department of Industry and Trade of such municipality or province;

b) Failing to maintain a local representative as prescribed by the law in cases where there is no head office, branch, or representative office in such locality;

c) Failing to implement or improperly implementing provisions in informing the Department of Industry and Trade of the organization of seminars, conferences, trainings on multi-level marketing - with the participation of 30 people or more or with the participation of 10 participants or more in multi-level marketing - in a locality where the entrepreneur has been granted the confirmation of registration for multi-level marketing;

d) Failing to coordinate with competent agencies when such agencies perform responsibilities in monitoring, supervising, and examining seminars, conferences, trainings on multi-level marketing;

dd) Paying participants in multi-level marketing the total value of commissions, bonuses and other economic benefits, including benefits enjoyed

under promotions, in a year that exceed 40% of revenue of multi-level marketing of the same year;

e) Failing to pay commissions, bonuses, promotions and other economic benefits in cash to participants in multi-level marketing in the form of bank transfer;

g) Failing to sign a written agreement on participation in multi-level marketing with participants in multi-level marketing, or the agreement on participation in multi-level marketing fails to satisfy other formality conditions as prescribed by the law;

h) Failing to perform or improperly perform the obligation to pay participants in multi-level marketing - after contract termination - the commissions, bonuses and other economic benefits that they are entitled to while joining the enterprise's network of multi-level marketing;

i) Failing to perform or improperly organize basic trainings for participants in multi-level marketing in accordance with law provisions, or asking participants in multi-level marketing to pay the basic training fees;

k) Failing to implement or improperly implement the issuance of membership cards to participants in multi-level marketing, or collecting membership card issuance fees;

l) Appointing coach who fails to satisfy the conditions to provide basic training to participants in multi-level marketing;

m) Failing to comply with the registered operation regulations and compensation plans;

n) Failing to issue invoices for sale transaction to each participant in multi-level marketing or to each customer purchasing goods directly from the entrepreneur;

o) Failing to operate the IT system in charge of managing the network of participants in multi-level marketing as prescribed by the law;

p) Failing to operate or failing to regularly update the e-portal site in Vietnamese to provide information about enterprises and their multi-level marketing activities in accordance with law provisions;

q) Failing to operate the communication system to receive and settle questions and complaints from participants in multi-level marketing, including phone calls, emails and meeting in person;

r) Failing to provide access to the IT system management account that manages the enterprise's multi-level marketing activities at the written request of a competent state agency in charge of managing multi-level marketing;

s) Failing to perform or improperly perform the responsibility for delivery, receipt and shipment of goods as prescribed by the law.

8. A fine of between VND 60,000,000 and VND 80,000,000 shall be

imposed on a multi-level enterprise which commits one of the following acts of violation:

a) Maintaining more than one agreement on participation in multi-level marketing, multi-level business position, multi-level business code or other equivalent forms for the same participant in multi-level marketing;

b) Conducting promotions using a network of a number of levels and branches in which a participant has more than one position, code or other equivalent forms;

c) Organizing commercial intermediary activities in accordance with the commercial law provisions for the maintenance, expansion and development of the network of multi-level marketing;

d) Receiving or accepting a form or any other forms of document from a participant in multi-level marketing, in which the participant declares to waive a part of or all of their rights under law provisions, or declare to allow a multi-level marketing entrepreneur to be free of obligations - in accordance with law - towards the participant in multi-level marketing;

dd) Failing to use the system to manage participants in multi-level marketing - which has been registered with the agency issuing the certificate of registration for multi-level marketing - to manage participants in multi-level marketing;

e) Buying, selling or transferring the network of participants in multi-level marketing to other entrepreneurs, except in cases of corporate acquisition, consolidation or merger.

9. A fine of between VND 80,000,000 and VND 100,000,000 shall be imposed on a multi-level enterprise which commits one of the following acts of violation:

a) Requiring others to deposit or pay a certain amount of money in order to be eligible for signing the agreement on participation in multi-level marketing;

b) Requiring others to buy a certain quantity of goods in order to be eligible for signing the agreement on participation in multi-level marketing;

c) Allowing participants in multi-level marketing to receive money or other economic benefits earned from introducing another person to participate in multi-level marketing operation, rather than from the introduced person's purchase or sale of goods;

d) Refusing to pay commissions, bonuses or other economic benefits reason which participants in multi-level marketing are entitled to, without any plausible reason;

dd) Providing false information on the compensation plan and benefits of joining the network of multi-level marketing;

e) Providing false or misleading information on the features and uses of

goods, or the operation of the enterprise through reporters, coaches at conferences, seminars, training or through the enterprise's documents;

g) Failing to perform or perform improperly obligations to buy back goods in accordance with law provisions;

h) Organizing multi-level business activities without having any certificate of registration for multi-level marketing, or failing to organize multi-level business activities in accordance with the contents specified in the certificate of registration for multi-level marketing – in which the illegal profits earned is below VND 200,000,000 or the loss caused to other people is below VND 500,000,000;

i) Conducting business operation in the form of multi-level marketing with people who are not qualified for business in the form of multi-level marketing as prescribed by the law;

10. A fine doubling the fine level specified in Clause 5, Clause 8 and Clause 9 of this Article shall be imposed in cases where an act of violation is committed within two or more municipalities or provinces.

11. Remedial measures:

a) Forcible surrendering of illegal profits gained from administrative violations, for acts of violation specified at Point a of Clause 3, Clause 5, Points h, i, k of Clause 7, Point e of Clause 8, Points a, b, d, h, and i of Clause 9 of this Article;

b) Forcible correction of false or misleading information, for acts of violations specified at Point b of Clause 3, Point dd and Point e of Clause 9 of this Article.

#### **Article 74. Acts of violation on business operation of commercial assessment services**

1. A fine of between VND 500,000 and VND 1,000,000 shall be imposed on acts of authorizing the assessment or re-authorizing the assessment without having a contract as prescribed by the law.

2. A fine of between VND 1,000,000 and 3,000,000 shall be imposed on acts of providing an assessment service beyond the fields registered in the certificate of business registration or other documents which are granted or certified in accordance with law provisions.

3. A fine of between VND 3,000,000 and VND 5,000,000 shall be imposed on one of the following acts of violation:

a) Providing an assessment service which fails to satisfy conditions as prescribed by the law;

b) Appointing assessors to conduct commercial assessment who fail to satisfy given criteria as prescribed by the law.

4. A fine of between VND 5,000,000 and VND 10,000,000 shall be imposed on one of the following acts of violation:

a) Using professional seals on assessment certificates when such seals have not been registered with the competent state agencies in accordance with law provisions;

b) Changing, supplementing professional seals without re-registering with the competent state agencies in accordance with law provisions;

c) Failing to submit professional seals to the competent state management agencies in cases where the registration of professional seals is canceled;

d) Conducting a commercial assessment service in cases where such an assessment is concerned with the rights and interests of such assessment enterprise and such assessor.

#### 5. Additional penalties:

a) Confiscation of exhibits of violation, for acts of violation specified in Clause 4 of this Article;

b) Suspension of business operation, from 01 month to 03 months, for acts of violation specified in Clause 2, Clause 3, and Points a, b, d of Clause 4 of this Article in cases of repeated violations or recidivism.

#### 6. Remedial measures:

Forcible surrendering of illegal profits earned from acts of violation specified in this Article.

### **Article 75. Acts of violation on business operation of commercial franchise**

1. A fine of between VND 1,000,000 and VND 3,000,000 shall be imposed on acts of commercial franchise which do not have contracts as prescribed by the law.

2. A fine of between VND 3,000,000 and VND 5,000,000 shall be imposed on one of the following acts of violation:

a) Declaring dishonestly, inaccurately contents in the application dossier for registration of commercial franchise operation;

b) Failing to provide the language and main contents of commercial franchise contracts in accordance with law provisions;

c) Providing information on compulsory contents of the introduction of the commercial franchise in a dishonest or incomplete manner;

d) Failing to provide or providing incompletely, inaccurately information in commercial franchise activities as prescribed by the law;

dd) Failing to submit reports or provide documents, or reporting dishonestly or incompletely about issues pertaining to commercial franchise activities at the request of the competent state management agencies.

3. A fine of between VND 5,000,000 and VND 10,000,000 shall be

imposed on one of the following acts of violation:

a) Failing to register commercial franchise operation in accordance with law provisions;

b) Conducting business operation in commercial franchise when conditions have yet been satisfied in accordance with law provisions;

c) Failing to notify the competent state management agencies on changes in commercial franchise activities in accordance with law provisions.

4. A fine of between VND 10,000,000 and VND 30,000,000 shall be imposed on one of the following acts of violation:

a) Conducting business operation in commercial franchise - for goods being applied with the emergency measure of conditional circulation or for goods requiring to have licenses but fail to ensure conditions or fail to have licenses as prescribed by the law;

b) Continuing providing commercial franchise when the time limit of a commercial franchise contract is expired.

5. A fine of between VND 30,000,000 and VND 50,000,000 shall be imposed on acts of providing commercial franchise of goods or services banned from trading, circulated goods being applied with the emergency measure of banning circulation or suspending circulation.

6. Remedial measures:

Forcible surrendering of illegal profits earned from acts of violation specified in this Article.

#### **Article 76. Acts of violation on goods processing in commerce**

1. A fine of between VND 500,000 and VND 1,000,000 shall be imposed on acts of placing orders of processing goods in commerce or receiving the orders of processing goods in commerce without signing contracts as prescribed by the law.

2. A fine of between VND 10,000,000 and VND 30,000,000 shall be imposed on acts of placing orders of processing goods or receiving orders of processing banned goods, domestically-circulated goods being applied with the emergency measure of banning circulation or suspending circulation as prescribed by the law.

3. Additional penalties:

Confiscation of exhibits of violation, for acts of violation specified in Clause 2 of this Article;

4. Remedial measures:

Forcible surrendering of illegal profits earned from acts of violation specified in Clause 1 and Clause 2 of this Article.

## **Article 77. Acts of violation on goods sale and purchase through Goods Exchange Departments**

1. A fine of between VND 1,000,000 and VND 3,000,000 shall be imposed on acts of staff of Goods Exchange Departments who conducts brokerages for goods sale and purchase through Goods Exchange Departments.

2. A fine of between VND 3,000,000 and VND 5,000,000 shall be imposed on one of the following acts of violation:

a) Participating in activities of goods sale and purchase through Goods Exchange Departments in foreign countries but failing to inform the Ministry of Industry and Trade of such participation in accordance with law provisions;

b) Conducting activities of goods sale and purchase through Goods Exchange Departments while not being a business member of such Goods Exchange Department.

3. A fine of between VND 5,000,000 and VND 10,000,000 shall be imposed on staff of Goods Exchange Departments who commits one of the following acts of violation:

a) Failing to ensure to conduct separate accounting for activities of goods sale and purchase through the Goods Exchange Department of each customer and of themselves;

b) Failing to keep a record of the mandate contracts for transactions, the mandate commands for transactions and requirements to adjust or cancel the mandate commands for transactions of customers;

c) Failing to keep a full record of documents and accounts reflecting in details and precisely transactions for customers and for themselves;

d) Failing to inform customers of the reasons for terminating their membership and the fulfillment of obligations of customers according to the mandate contract;

dd) Failing to perform or perform improperly the notification of transactions for customers in accordance with law provisions;

e) Failing to sign the written mandate contracts with customers in accordance with law provisions, or conducting transactions for customers without receiving any mandate command for transaction from these customers;

g) Conducting brokerage activities without signing any contract with customers in accordance with law provisions;

h) Receiving mandate transactions from customers against law provisions;

4. A fine of between VND 10,000,000 and VND 30,000,000 shall be imposed on staff of Goods Exchange Departments who commits one of the following acts of violation:

a) Inducing customers to sign contracts by promising to compensate for a

part or the whole loss incurred from such contracts or by guaranteeing a share of profits earned from such contracts for customers;

b) Using false price and other fraudulent measures while acting as a broker for customers;

c) Conducting brokerage activities for goods purchase and sale through Goods Exchange Departments while not being the broker of a Goods Exchange Department.

5. A fine of between VND 30,000,000 and VND 50,000,000 shall be imposed on staff of Goods Exchange Departments who commits one of the following acts of violation:

a) Failing to make or making margin deposits for transactions against law provisions;

b) Failing to implement properly provisions on the total transaction limit or the transaction limit;

c) Inducing customers to sign contracts by promising to compensate for a part or the whole loss incurred from such contracts or by guaranteeing a share of profits earned from such contracts for customers;

6. A fine of between VND 5,000,000 and VND 10,000,000 shall be imposed on a Goods Exchange Department that commits one of the following acts of violation:

a) Declaring inaccurately or untimely the contents stated in the application dossier for issuance, re-issuance, amendment or supplementation of the license for establishment of a Goods Exchange Department;

b) Refusing to recognize the membership of the Goods Exchange Department without a written response, or failing to state clearly reasons thereof.

7. A fine of between VND 10,000,000 and VND 30,000,000 shall be imposed on a Goods Exchange Department that commits one of the following acts of violation:

a) Failing to notify the specific time of transactions as prescribed by the law;

b) Failing to publicize the operation charter, the license for establishment of the Goods Exchange Department which has been accredited, granted, amended or supplemented by the competent state management agency;

c) Failing to conduct procedures in request for the re-issuance of the license for establishment of the Goods Exchange Department in cases where the license for establishment of the Goods Exchange Department is lost, ragged, fired or destroyed under other forms;

d) Failing to conduct procedures in request for the amendment, supplementation of the license for establishment of the Goods Exchange Department in cases where there are changes in the contents of the license for

establishment of the Goods Exchange Department;

dd) Failing to publicize or publicizing untimely about cases of suspending transactions as prescribed by the law;

e) Failing to publicize, or publicizing in an incomplete or inaccurate manner - the list and information about members of the Goods Exchange Department; information on transactions and transaction commands on goods purchase and sale through the Goods Exchange Department as well as other information in accordance with the operation charter of the Goods Exchange Department;

g) Failing to publicize, or publicizing in an incomplete or inaccurate manner - provisions on periodic reports or ad-hoc reports at the request of the competent state management agency regarding information related to activities of goods purchase and sale through the Goods Exchange Department and members of the Goods Exchange Department at the time of reporting;

h) Providing misleading news about transactions, markets or prices of goods being sold or purchased through the Goods Exchange Department.

8. A fine of between VND 30,000,000 and VND 50,000,000 shall be imposed on a Goods Exchange Department that commits one of the following acts of violation:

a) Using forged documents in the application dossier for the establishment, amendment, supplementation or for the re-issuance of the license for establishment of the Goods Exchange Department;

b) Recognizing the membership of entrepreneurs who fail to satisfy conditions in accordance with law provisions;

c) Failing to make or making margin deposits for transactions against law provisions;

d) Failing to establish a needed internal control system for risk management and supervision, prevention of interest conflicts incurred in the internal body of such Department and in transactions in accordance with law provisions;

dd) Allowing members who have been terminated their memberships to continue conducting activities of goods purchase and sale through the Goods Exchange Department;

e) Organizing transactions for categories of goods which are not under the list of goods being banned from trading, restricted from trading or subject to conditional business without informing state management agencies as prescribed by the law;

g) Failing to comply with provisions on the total transaction limit or the transaction limit;

h) Failing to comply with the transaction methods or the principles for matching transaction commands or disclosing information of transactions as prescribed by the law.

i) Organizing trading activities of goods on the list of goods being restricted from trading and subject to conditional business without permission of a competent state management agency.

#### 9. Remedial measures:

Forcible surrendering of illegal profits earned from acts of violation specified in this Article.

### **Article 78. Acts of violation on management of markets, supermarkets and commercial centers**

1. A fine of between VND 5,000,000 and VND 10,000,000 shall be imposed on one of the following acts of violation:

a) Naming the trading establishment as supermarket or commercial center or similar words in a foreign language which fails to satisfy criteria as prescribed by the law;

b) The operation regulations of a supermarket, commercial center or a market fail not to reflect in full the prescribed contents, or has not been approved by a competent state management agency;

c) Failing to publicize the operation regulation of the market, supermarket, or commercial center as prescribed by the law;

d) Failing to implement, or implementing improperly instructions provided by the competent state management agency on the dissemination of economic news, policies and law provisions;

dd) Failing to conduct periodic or ad-hoc reports on the operation situation of the market, supermarket, or commercial center at the request of the competent state management agency as prescribed by the law.

2. A fine of between VND 10,000,000 and VND 20,000,000 shall be imposed on one of the following acts of violation:

a) Failing to set up a signboard for the supermarket or commercial center in accordance with law provisions;

b) Failing to set up a signboard for the supermarket or the commercial center whose contents and forms are in accordance with law provisions;

c) Operating supermarkets or commercial centers but failing to be an enterprise which has a business registration of commercial activities as prescribed by the law;

d) Failing to affix the name of the goods or service and the name of the supermarket or commercial center on the goods traded in the supermarket or commercial center;

dd) Failing to clearly state the time limit and locations for warranty as prescribed by law provisions - on goods sold in the supermarket or commercial center which have warranty regimes;

e) Failing to sign contracts with entrepreneurs on the lease or use of business places at markets and other services as prescribed by law provisions.

3. A fine of between VND 20,000,000 and VND 30,000,000 shall be imposed on acts of selling or purchasing - in markets, supermarkets, commercial centers - categories of goods which contain radioactive substances or radiation devices exceeding the permitted levels; explosive materials, liquid chemicals, flammable gases; veterinary medicines, insecticides and goods containing toxic chemicals which are under the list of items restricted from trading and toxic chemicals which are subject to conditional business and are banned from trading in markets, supermarkets, commercial centers as prescribed by the law.

4. Additional penalties:

Suspension of operation, from 01 month to 03 months, for acts of violation specified in Clause 3 of this Article.

#### **Article 79. Violations of regulations on sealing, seizing exhibits or means of violation**

1. A fine of between VND 3,000,000 and VND 5,000,000 shall be imposed on acts of arbitrarily removing or destroying seals on exhibits or means of violation which are being sealed, and seized, or arbitrarily changing the scene of the administrative violation.

2. A fine of between VND 5,000,000 and VND 10,000,000 shall be imposed on acts of changing, exchanging fraudulently the exhibits or means of violation which are being inspected, checked, sealed or seized.

3. A fine of between VND 10,000,000 and VND 20,000,000 shall be imposed on acts of storing or keeping illegally the exhibits or means of violations which are being inspected, checked, sealed or seized.

4. A fine of between VND 20,000,000 and VND 30,000,000 shall be imposed on acts of consuming, fleeing or destroying the exhibits or means which are being inspected, checked, sealed or seized.

5. Remedial measures:

Forcible confiscation of the exhibits or means of violation which have been fled, or forcible payment of money equal to the value of the exhibits or means of violation which have been sold, fled or destroyed for acts of violation specified in Clause 3 and Clause 4 of this Article.

### **Chapter III**

## **AUTHORITY IN MAKING RECORDS OF ADMINISTRATIVE VIOLATIONS AND IMPOSING PENALTIES ON ADMINISTRATIVE VIOLATIONS**

**Article 80. The authority in making records of administrative violations**

1. The persons who have authority in imposing penalties on administrative violation shall be specified Article 81, Article 82, Article 83, Article 84, Article 85, Article 86 and Article 87 of this Decree.

2. Persons in the People's Army forces, People's Public Security forces; civil servants, public employees working in agencies which are specified in Article 81, Article 82, Article 83, Article 84, Article 85, Article 86 and Article 87 of this Decree – who are on duty and mission.

3. Aircraft chief pilots, ship captains and train conductors shall make records of administrative violations for acts of violations taking place in aircraft, seagoing ships, or trains.

**Article 81. The authority in imposing penalties of Chairpersons of People's Committees at all levels**

1. The Chairpersons of the ward-level People's Committees shall have the following powers:

- a) Imposing warnings;
- b) Imposing fines of up to VND 5,000,000 for individuals and fines of up to VND 10,000,000 for organizations;
- c) Confiscating exhibits and means of administrative violations whose value is not exceeding the fine level specified at Point b of this Clause;
- d) Applying remedial measures for acts of administrative violation which are specified at Point b of Clause 3 of Article 4 of this Decree.

2. The Chairpersons of the district-level People's Committees shall have the following powers:

- a) Imposing warnings;
- b) Imposing fines of up to VND 50,000,000 for individuals and fines of up to VND 100,000,000 for organizations;
- c) Depriving the right to use the license, the practice certificate with a time limit or suspending the operation with a time limit;
- d) Confiscating exhibits and means of administrative violations whose value is not exceeding the fine level specified at Point b of this Clause;
- dd) Applying remedial measures for acts of administrative violation which are specified at Points b, c, dd, e, g, h, i and k of Clause 3 under Article 4 of this Decree.

3. The Chairpersons of the provincial-level People's Committees shall have the following powers:

- a) Imposing warnings;

- b) Imposing fines up to the maximum level specified in this Decree;
- c) Depriving the right to use the license, the practice certificate with a time limit or suspending the operation with a time limit;
- d) Confiscating exhibits and means of administrative violations;
- dd) Applying remedial measures which are specified in this Decree.

**Article 82. The authority in imposing penalties of the Market Surveillance agencies**

1. Market surveillance officers who are on duty shall have the following powers:

- a) Imposing warnings;
- b) Imposing fines of up to VND 500,000 for individuals and fines of up to VND 1,000,000 for organizations;

2. Team leaders of Market Surveillance teams shall have the following powers:

- a) Imposing warnings;
- b) Imposing fines of up to VND 25,000,000 for individuals and fines of up to VND 50,000,000 for organizations;
- c) Confiscating exhibits and means of administrative violations whose value is not exceeding the fine level specified at Point b of this Clause;
- d) Applying remedial measures which are specified in this Decree, except for the measure specified at Point a under Clause 3 of Article 4 of this Decree.

3. Directors of the provincial-level Market Surveillance Sub-Departments and the Director of the Market Surveillance Operations Department under the General Department of Market Surveillance shall have the following powers:

- a) Imposing warnings;
- b) Imposing fines of up to VND 50,000,000 for individuals and fines of up to VND 100,000,000 for organizations;
- c) Confiscating exhibits and means of administrative violations whose value is not exceeding the fine level specified at Point b of this Clause;
- d) Depriving the right to use the license, the practice certificate with a time limit or suspending the operation with a time limit;
- dd) Applying remedial measures which are specified in this Decree.

4. The General Director of the General Department of Market Surveillance shall have the following powers:

- a) Imposing warnings;
- b) Imposing a fine up to the maximum level specified in this Decree;
- c) Confiscating exhibits and means of administrative violations;

d) Depriving the right to use the license, the practice certificate with a time limit or suspending the operation with a time limit;

dd) Applying remedial measures which are specified in this Decree.

**Article 83. The authority in imposing penalties of the People's Public Security forces**

1. People's Public Security officers who are on duty shall have the following powers:

a) Imposing warnings;

b) Imposing fines of up to VND 500,000 for individuals and fines of up to VND 1,000,000 for organizations;

2. Heads of stations or team leaders of the persons defined in Clause 1 of this Article shall have the following powers:

a) Imposing warnings;

b) Imposing fines of up to VND 1,500,000 for individuals and fines of up to VND 3,000,000 for organizations;

3. Heads of Communal Police Stations, Heads of Police Stations, Heads of Police stations at border gates and export processing zones shall have the following powers:

a) Imposing warnings;

b) Imposing fines of up to VND 2,500,000 for individuals and fines of up to VND 5,000,000 for organizations;

c) Confiscating exhibits and means of administrative violations whose value is not exceeding the fine level specified at Point b of this Clause;

d) Applying remedial measures which are specified at Point b under Clause 3 of Article 4 of this Decree.

4. Heads of District Police Sub-departments; Heads of the professional divisions under the Traffic Police Department; Heads of Divisions under Provincial Police Departments including Heads of Police Division of Social Order Administrative Management, Heads of Police Division of Social Order-related Crime Investigation, Heads of Police Division of Corruption, Smuggling, and Economic Crime Investigation, Heads of Police Division of Counter-narcotics, Heads of Traffic Police Division, Heads of Road and Railway Traffic Police Division, Heads of Road Traffic Police Division, Heads of Waterway Police Division, Heads of the Police Division of Environmental Crimes, Heads of Division of Internal Political Security, and Heads of Division of Economic Security – shall have the following powers:

a) Imposing warnings;

b) Imposing fines of up to VND 25,000,000 for individuals and fines of up to VND 50,000,000 for organizations – for acts of violation prescribed in Section

2 of Chapter II of this Decree; or fines of up to VND 20,000,000 for individuals and fines of up to VND 40,000,000 for organizations – for other acts of violation prescribed in this Decree;

c) Depriving the right to use the license, the practice certificate with a time limit or suspending the operation with a time limit;

d) Confiscating exhibits and means of administrative violations whose value is not exceeding the fine level specified at Point b of this Clause;

dd) Applying remedial measures which are specified at Points b, h, i and k under Clause 3 of Article 4 of this Decree.

5. Directors of Provincial Police Departments shall have the following powers:

a) Imposing warnings;

b) Imposing fines of up to VND 50,000,000 for individuals and fines of up to VND 100,000,000 for organizations

c) Depriving the right to use the license, the practice certificate with a time limit or suspending the operation with a time limit;

d) Confiscating exhibits and means of administrative violations whose value is not exceeding the fine level specified at Point b of this Clause;

dd) Applying remedial measures which are specified at Points b, e, h, i and k under Clause 3 of Article 4 of this Decree.

6. Directors of the Department of Internal Political; the Department of Economic Security; the Police Department of Social Order Administrative Management; the Police Department of Social Order-related Crime Investigation; the Police Department of Corruption, Smuggling and Economic Crime Investigation; the Counter Narcotics Police Department, the Traffic Police Department, the Police Department of Environmental Crimes, the Department of Cybersecurity and Hi-tech Crimes; and the Department of Immigration shall have the following powers:

a) Imposing warnings;

b) Imposing fines up to the maximum level specified in this Decree;

c) Depriving the right to use the license, the practice certificate with a time limit or suspending the operation with a time limit;

d) Confiscating exhibits and means of administrative violations;

dd) Applying remedial measures which are specified at Points b, e, h, i and k under Clause 3 of Article 4 of this Decree.

#### **Article 84. The authority in imposing penalties of the Customs**

1. Customs officers who are on duty shall have the following powers:

a) Imposing warnings;

b) Imposing fines of up to VND 500,000 for individuals and fines of up to VND 1,000,000 for organizations;

2. Team leaders under Customs Sub-departments, team leaders under Post-Customs Clearance Inspection Sub-departments shall have the following powers:

a) Imposing warnings;

b) Imposing fines of up to VND 5,000,000 for individuals and fines of up to VND 10,000,000 for organizations;

3. Directors of Customs Sub-departments, Directors of Post-Customs Clearance Inspection Sub-departments, Team leaders of Control Teams under provincial, inter-provincial and municipal Customs Departments, Team leaders of Anti-Smuggling Control Teams, Heads of Customs Marine Enforcement Fleets and Team leaders of the Intellectual Property Protection and Control Teams under the Department for Anti-Smuggling and Investigation of the General Department of Customs shall have the following powers:

a) Imposing warnings;

b) Imposing fines of up to VND 25,000,000 for individuals and fines of up to VND 50,000,000 for organizations;

c) Confiscating exhibits and means of administrative violations whose value is not exceeding the fine level specified at Point b of this Clause;

d) Applying remedial measures which are specified at Points a, b, d and e under Clause 3 of Article 4 of this Decree.

4. The Director of the Department for Anti-Smuggling Investigation, the Director of the Department for Post-Customs Clearance Inspection under the General Department of Customs, and Directors of provincial, inter-provincial and municipal Customs Departments shall have the following powers:

a) Imposing warnings;

b) Imposing fines of up to VND 50,000,000 for individuals and fines of up to VND 100,000,000 for organizations;

c) Depriving the right to use the license, the practice certificate with a time limit or suspending the operation with a time limit;

d) Confiscating exhibits and means of administrative violations whose value is not exceeding the fine level specified at Point b of this Clause;

dd) Applying remedial measures which are specified at Points a, b, d and e under Clause 3 of Article 4 of this Decree.

5. The General Director of the General Department of Customs shall have the following powers:

a) Imposing warnings;

b) Imposing fines up to the maximum level specified in this Decree;

- c) Confiscating exhibits and means of administrative violations;
- d) Applying remedial measures which are specified at Points a, b, d and e under Clause 3 of Article 4 of this Decree.

**Article 85. The authority in imposing penalties of the Border Guard force**

1. Border Guard soldiers who are on duty shall have the following powers:
  - a) Imposing warnings;
  - b) Imposing fines of up to VND 500,000 for individuals and fines of up to VND 1,000,000 for organizations;
2. Heads of station or team leaders of the persons defined in Clause 1 of this Article shall have the following powers:
  - a) Imposing warnings;
  - b) Imposing fines of up to VND 2,500,000 for individuals and fines of up to VND 5,000,000 for organizations;
3. Heads of border guard stations, Captains of Border Guard Flotillas, Commanders of Port Border Gates shall have the following powers:
  - a) Imposing warnings;
  - b) Imposing fines of up to VND 25,000,000 for individuals and fines of up to VND 50,000,000 for organizations – for acts of violation specified in Section 2 under Chapter II of this Decree; or fines of up to VND 20,000,000 for individuals and fines of up to VND 40,000,000 for organizations – for other acts of violation specified in this Decree.
    - c) Confiscating exhibits and means of administrative violations whose value is not exceeding the fine level specified at Point b of this Clause;
    - d) Applying remedial measures which are specified at Point b under Clause 3 of Article 4 of this Decree.
4. Commanders of provincial-level Border Guard Commands, Commanders of Border Guard Squadrons under the Border Guard High Command shall have the following powers:
  - a) Imposing warnings;
  - b) Imposing fines of up to the maximum level specified in this Decree;
  - c) Depriving the right to use the license, the practice certificate with a time limit or suspending the operation with a time limit;
  - d) Confiscating exhibits and means of administrative violations;
  - dd) Applying remedial measures which are specified at Points b and e under Clause 3 of Article 4 of this Decree.

**Article 86. The authority in imposing penalties of the Vietnam Coast**

## **Guard**

1. Soldiers of the Coast Guard who are on duty shall have the following powers:

- a) Imposing warnings;
- b) Imposing fines of up to VND 1,500,000 for individuals and fines of up to VND 3,000,000 for organizations;

2. Team leaders of Coast Guard Operational Teams shall have the following powers:

- a) Imposing warnings;
- b) Imposing fines of up to VND 5,000,000 for individuals and fines of up to VND 10,000,000 for organizations;

3. Leaders of Coast Guard Operational Groups, and Heads of Coast Guard Stations shall have the following powers:

- a) Imposing warnings;
- b) Imposing fines of up to VND 10,000,000 for individuals and fines of up to VND 20,000,000 for organizations;

c) Applying remedial measures which are specified at Point b under Clause 3 of Article 4 of this Decree.

4. Captains of Coast Guard Flotillas shall have the following powers:

- a) Imposing warnings;
- b) Imposing fines of up to VND 25,000,000 for individuals and fines of up to VND 50,000,000 for organizations – for acts of violation specified in Section 2 under Chapter II of this Decree; or fines of up to VND 20,000,000 for individuals and fines of up to VND 40,000,000 for organizations – for other acts of violation specified in this Decree;

c) Confiscating exhibits and means of administrative violations whose value is not exceeding the fine level specified at Point b of this Clause;

d) Applying remedial measures which are specified at Point a, and Point b under Clause 3 of Article 4 of this Decree.

5. Commanders of Coast Guard Squadrons shall have the following powers:

- a) Imposing warnings;
- b) Imposing fines of up to VND 50,000,000 for individuals and fines of up to VND 100,000,000 for organizations – for acts of violation specified in Section 2 under Chapter II of this Decree; or fines of up to VND 30,000,000 for individuals and fines of up to VND 60,000,000 for organizations – for other acts of violation specified in this Decree;

c) Confiscating exhibits and means of administrative violations whose

value is not exceeding the fine level specified at Point b of this Clause;

d) Applying remedial measures which are specified at Point a and Point b under Clause 3 of Article 4 of this Decree.

6. Commanders of the Regional Coast Guard shall have the following powers:

a) Imposing warnings;

b) Imposing fines of up to VND 100,000,000 for individuals and fines of up to VND 200,000,000 for organizations – for acts of violation specified in Section 2 under Chapter II of this Decree; or fines of up to VND 50,000,000 for individuals and fines of up to VND 100,000,000 for organizations – for other acts of violation specified in this Decree;

c) Confiscating exhibits and means of administrative violations whose value is not exceeding the fine level specified at Point b of this Clause;

d) Applying remedial measures which are specified at Point a and Point b under Clause 3 of Article 4 of this Decree.

7. The Commander of the Coast Guard High Command shall have the following powers:

a) Imposing warnings;

b) Imposing fines up to the maximum level specified in this Decree;

c) Depriving the right to use the license, the practice certificate with a time limit or suspending the operation with a time limit;

d) Confiscating exhibits and means of administrative violations;

dd) Applying remedial measures which are specified at Point a and Point b under Clause 3 of Article 4 of this Decree.

### **Article 87. The authority in imposing penalties of the Inspection agencies**

1. Inspectors and persons assigned to conduct specialized inspection tasks while being on duty shall have the following powers:

a) Imposing warnings;

b) Imposing fines of up to VND 500,000 for individuals and fines of up to VND 1,000,000 for organizations;

c) Confiscating exhibits and means of administrative violations whose value is not exceeding the fine level specified at Point b of this Clause;

d) Applying remedial measures which are specified at Point b under Clause 3 of Article 4 of this Decree.

2. Chief Inspectors of Departments, Directors of the Quality Measurement Standards Sub-Departments under the Departments of Science and Technology, Directors of the Sub-Department of Food Safety and Hygiene under the

Departments of Health, Directors of the Sub-Department of Crop Production and Plant Protection, Directors of the Sub-Department of Livestock and Animal Health, Directors of the Sub-Department of Fisheries, Directors of the Sub-Department of Agro-Forestry and Fisheries Quality Control under the Departments of Agriculture and Rural Development, Directors of the Center for Radio Frequency and other equivalent positions assigned by the Government to perform the specialized inspection shall have the following powers:

- a) Imposing warnings;
- b) Imposing fines of up to VND 50,000,000 for individuals and fines of up to VND 100,000,000 for organizations;
- c) Depriving the right to use the license, the practice certificate with a time limit or suspending the operation with a time limit;
- d) Confiscating exhibits and means of administrative violations whose value is not exceeding the fine level specified at Point b of this Clause;
- dd) Applying remedial measures which are specified in this Decree.

3. Chief Inspectors of Ministries and Ministerial-level agencies, the General Director of the General Department of Quality Measurement Standards, the General Director of the General Department of Forestry, the General Director of the General Department of Fisheries, the General Director of the General Department of Geology and Minerals, the General Director of the General Department of Environment Administration, the Director of the Department of Chemistry, the Director of the Department of Industrial Safety Techniques and Environment, the Director of the Department of Animal Health, the Director of the Department of Plant Protection, the Director of the Department of Crop Production, the Director of the Department of Livestock Production, the Director of the Department of Agro-Forestry and Fishery Quality Control, the Director of the Department of Agro-Product Processing and Market Development, the Director of the Department of Radio Frequency, the Director of the Department of Telecommunications, the Director of the Department of Radio, Television and Electronic Information, the Director of Press Department, the Director of the Department of Publishing, Printing and Publishing, the Director of the Department of Drug Administration, the Director of the Department of Medical Examination and Treatment, the Director of the Department of Health Environment Management, the Director of the Department of Preventive Medicine, the Director of the Department of Food Safety and other equivalent positions assigned by the Government to perform the specialized inspection shall have the following powers:

- a) Imposing warnings;
- b) Imposing fines up to the maximum level specified in this Decree;
- c) Depriving the right to use the license, the practice certificate with a time limit or suspending the operation with a time limit;

- d) Confiscating exhibits and means of administrative violations;
- dd) Applying remedial measures which are specified in this Decree.

4. Heads of department-level specialized inspection teams, Heads of specialized inspection teams of state management agencies which are assigned to perform the specialized inspection shall have the authority to impose penalties in accordance with provisions prescribed in Clause 2 of this Article.

5. Heads of ministerial-level specialized inspection teams shall have the following powers:

a) Imposing warnings;

b) Imposing fines of up to VND 140,000,000 for individuals and fines of up to VND 280,000,000 for organizations – for acts of violation specified in Section 2 under Chapter II of this Decree; or fines of up to VND 70,000,000 for individuals and fines of up to VND 140,000,000 for organizations – for other acts of violations specified in this Decree;

c) Depriving the right to use the license, the practice certificate with a time limit or suspending the operation with a time limit;

d) Confiscating exhibits and means of administrative violations whose value is not exceeding the fine level specified at Point b of this Clause;

dd) Applying remedial measures which are specified in this Decree.

#### **Article 88. Determination of authority in imposing fines**

1. Chairpersons of the People's Committees at all levels shall have the authority to impose penalties on administrative violations, and to apply remedial measures for acts of administrative violation which are specified in this Decree - within their scope of management and in accordance with their authority defined in Article 81 of this Decree.

2. Competent persons of the Market Surveillance agencies shall have the authority to impose penalties on administrative violations, and to apply remedial measures for acts of administrative violation which are specified in this Decree - in accordance with their authority defined in Article 82 of this Decree and within their scope of assigned functions, tasks and powers.

3. Competent persons of the People's Public Security Forces shall have the authority to impose penalties on administrative violations, and to apply remedial measures for acts of administrative violation which are specified in this Decree - in accordance with their authority defined in Article 83 of this Decree and within their scope of assigned functions, tasks and powers.

4. Competent persons of the Customs agencies shall have the authority to impose penalties on administrative violations, and to apply remedial measures for acts of administrative violation which are specified in Section 8 under Chapter II and acts of violations related to the import, export, temporary import for re-export, temporary import for re-import, transshipment of goods which are specified in

Articles 8, 9, 11, 13, 15, 16, 17, 18, 20, 24, 26, 27, 34, 35, 70, 71 and 72 of this Decree - in accordance with their authority defined in Article 84 of this Decree and within their scope of assigned functions, tasks and powers.

5. Competent persons of the Border Guard Forces shall have the authority to impose penalties on administrative violations, and to apply remedial measures for acts of administrative violation which are specified in Section 2 under Chapter II and Articles 15, 17, 36, 37, 40, 41, 42 and 72 - in accordance with their authority defined in Article 85 of this Decree and within their scope of assigned functions, tasks and powers.

6. Competent persons of the Vietnam Coast Guard Forces shall have the authority to impose penalties on administrative violations, and to apply remedial measures for acts of administrative violation which are specified in Section 2 under Chapter II and Articles 15, 17, 36, 37, 40, 42 and 72 of this Decree - in accordance with their authority defined in Article 86 of this Decree and within their scope of assigned functions, tasks and powers.

7. Competent persons of the Inspection agencies shall have the authority to impose penalties on administrative violations, and to apply remedial measures for acts of administrative violation which are specified in this Decree, in accordance with their authority defined in Article 87 of this Decree and within their scope of assigned functions, tasks and powers.

LuatVietnam.vn

## **Chapter IV**

### **IMPLEMENTATION PROVISIONS**

#### **Article 89. Implementation effect**

1. This Decree shall come into effect from October 15, 2020.

2. This Decree shall replace:

a) The Government's Decree No. 185/2013/ND-CP dated November 15, 2013, providing the penalties on administrative violations in commercial activities, production of, trading in counterfeit or banned goods and protection of consumer rights;

b) The Government's Decree No. 124/2015/ND-CP dated November 19, 2015, on amending and supplementing a number of articles of the Government's Decree No. 185/2013/ND-CP dated November 15, 2013 providing the penalties on administrative violations in commercial activities, production of, trading in counterfeit or banned goods and protection of consumer rights

c) The Government's Decree No. 141/2018/ND-CP dated October 08, 2018, on amending and supplementing a number of articles of the Government's Decrees prescribing penalties for violations against regulations on multi-level marketing.

## **Article 90. Transitional provisions**

For acts of administrative violations in commercial activities, production of, trade of counterfeit goods, banned goods and protection of consumer rights which are committed before the effective date of this Decree, and are later uncovered, or which are being considered and settled – whereas this Decree does not prescribe the legal liability or prescribe lighter legal liability, provisions of this Decree shall prevail.

## **Article 107. Implementation Obligation**

1. The Minister of Industry and Trade shall be responsible for organizing the implementation of this Decree.

2. The Minister of Finance shall be responsible for detailing the amount of illegal profits earned from conducting acts of violation which are subject to forcible surrendering in accordance with Article 37 of the Law on Handling of Administrative violations and Point e under Clause 3 of Article 4 of this Decree.

3. Ministers, Heads of ministerial-level agencies, Heads of Governmental agencies, Chairpersons of People's Committees of municipalities and provinces shall, within their scopes of functions and tasks, be responsible for implementing this Decree./.

*For the Government*

*The Prime Minister*

*Nguyen Xuan Phuc*