

**THE GOVERNMENT**

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**SOCIALIST REPUBLIC OF VIETNAM**

**Independence - Freedom - Happiness**

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No. 119/2017/ND-CP

*Hanoi, November 01, 2017*

## **DECREE**

### **ON PENALTIES FOR ADMINISTRATIVE VIOLATIONS AGAINST REGULATIONS ON STANDARDS, MEASUREMENT AND QUALITY OF GOODS**

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

*Pursuant to the Law on Technical standards and regulations dated June 29, 2006;*

*Pursuant to the Law on Goods quality dated November 21, 2007;*

*Pursuant to the Law on Measurement dated November 11, 2011;*

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

*At the request of the Minister of Science and Technology;*

*The Government promulgates a Decree on penalties for administrative violations against regulations on standards, measurement and quality of goods.*

## **Chapter I**

### **GENERAL PROVISIONS**

#### **Article 1. Scope**

1. This Decree deals with administrative violations, penalties, fines, remedial measures, power to impose penalties for and power to make reports on administrative violations against regulations on technical standards and regulations; measurement; quality of goods (hereinafter referred to as "standards, measurement and quality of goods").

2. Other administrative violations against regulations on standards, measurement and quality of goods not specified herein shall apply regulations stated in other Government's decrees on penalties for administrative violations against regulations on state management. Goods that have not been cleared shall apply the Government's decree on penalties for administrative violations against regulations on customs for violations against regulations on standards, measurement and quality of goods.

#### **Article 2. Penalties and remedial measures**

1. A warning or fine shall be the primary penalty for each administrative violation specified in this document that is committed by an organization or individual.

2. The following additional penalties may be imposed depending on the nature and seriousness of the violations:

a) Suspension of the certificate of conformity assessment registration (certificate of certification/testing/assessment/inspection registration); certificate of standard conformity; certificate of regulation conformity; conformity marking; certificate of accreditation registration; certificate of accreditation; certificate of registration of providing inspection/calibration/testing of measuring instrument/measurement standard services; certificate (stamp, marking, certificate) of inspection/calibration/testing; decision on certification of eligible measurement inspector; decision on appointment of inspection/calibration/testing of measuring instrument/measurement standard service provider; decision on appointment of measurement standard for inspection/calibration of measuring instruments; decision on appointment of conformity assessment organization; decision on approval for measuring instrument samples; certificate of identification number and/or barcode use rights; certificate of eligibility for use of quantity marking on pre-packaged goods labels; certificate of eligibility for helmet production; certificate of transportation of dangerous goods; certificate of petrol and oil/gas preparation registration; certificate of management system; certificate of eligibility for business; certificate of barcode use rights for 1 – 6 months;

b) Suspension of operation for 1 – 3 months according to Clause 2 Article 25 of the Law on Actions against administrative violations;

c) Confiscation of exhibits and equipment serving the violation.

3. Apart from primary and additional penalties, depending on the nature and seriousness of the violation, entities committing violations shall take one of or some of the following remedial measures:

a) Enforced destruction of goods, measuring instruments or measurement standards that affect human's health, livestock, plants and environment;

b) Enforced re-export of goods or equipment used for violation commitment;

c) Enforced correction of false or misleading information;

d) Enforced removal of uncomformable elements of goods, packages thereof and business instruments;

dd) Enforced transfer of the illegal profit earned from committing an administrative violation to state budget;

e) Enforced recall of sold goods, measuring instruments, reference substances or measurement standards used for violation commitment;

g) Enforced revocation of the certificate of management system, certificate of inspection/calibration/testing or certificate of comparison of measurement standards/reference substances;

h) Enforced revocation of the certificate of provision of training/testing/inspection/assessment; certificate of conformity with standards/regulations, certificate of eligible inspection/calibration department, certificate of eligible conformity assessment organization; enforced revocation or removal of the decision on grant of prizes, termination of effect of prizes; decision on approval for measuring instrument samples;

i) Enforced repurposing or recycling of unqualified goods; enforced revision of declared standards; enforced repair of measuring instruments before being put into use.

### **Article 3. Maximum fines and organizations carrying penalties for administrative violations**

1. The maximum fine for a measurement-related violation committed by an individual and an organization shall be VND 100,000,000 and VND 200,000,000 respectively; the maximum fine for a product quality-related violation committed by an individual and an organization shall be VND 150,000,000 and VND 300,000,000 respectively, except for the provisions stated in Point dd, e, g and h Clause 2 Article 14; Points dd, e, g and h Clause 2 Article 15; Points dd, e, g and h Clause 2 Article 16; Clauses 3 and 4 Article 17; Clause 4 Article 18; Clause 4 Article 19 and Clauses 5, 6 and 7 Article 20 herein.

2. The fines specified herein are imposed for administration violations committed by organizations. The fine for the same violation committed by an individual shall be 50% of that imposed upon an organization, except for the provisions stated in Articles 11, 12 and 13 herein.

3. Organizations committing violations against regulations on standards, measurement and quality of goods may include:

a) Business entities established in accordance with provisions of the Law on Enterprises including sole proprietorships, joint-stock companies, limited liability companies and partnerships;

b) Business entities established in compliance with provisions of the Law on Cooperatives including cooperatives and cooperative unions.

c) Business entities established in conformity with provisions of the Law on Investment including domestic investors, foreign investors and foreign-invested business entities;

d) Public service providers and other organizations.

## **Chapter II**

### **ADMINISTRATIVE VIOLATIONS, PENALTIES AND FINES**

## **Section 1. VIOLATIONS AGAINST REGULATIONS ON MEASUREMENT**

### **Article 4. Violations against regulation on maintenance of national standards committed by appointed organizations**

1. A fine of from VND 5,000,000 to VND 10,000,000 shall be imposed for any of the following violations:

- a) Failure to comply with regulations on maintenance and use of national standards;
- b) Failure to carry out regular calibration or comparison of national standards to international ones or national standards of a foreign country that have been calibrated or compared to international standards;
- c) Failure to calibrate or compare national standards to transmit accuracy thereof to measurement standards having lower accuracy;
- d) Failure to maintain the management system to carry out maintenance and use of national standards.

2. A fine of from VND 10,000,000 to VND 30,000,000 shall be imposed for any of the following violations:

- a) Using false national standards to carry out calibration or comparison thereof to international standards or national standards of a foreign country; using false national standards for calibration or comparison to transmit accuracy thereof to measurement standards having lower accuracy;
- b) Failure to report falsification of national standards, request suspension of a decision on approval for national standards or appoint an organization to maintain national standards.

3. Remedial measures:

- a) Enforced suspension of the certificate of calibration/comparison in case of the violation specified in Point a Clause 2 this Article;
- b) Enforced transfer of the illegal profit earned from committing the violation specified in Point a Clause 2 this Article to state budget.

### **Article 5. Violations against regulations on production, sale and use of reference substances or measurement standards**

1. A fine of from VND 5,000,000 to VND 10,000,000 shall be imposed for any of the following violations:

- a) Production, import or sale of reference substances/measurement standards without labels or with labels not specifying measurement units in accordance with those regulated by law;

b) Production, import or sale of reference substances/measurement standards not satisfying technical measurement requirements declared by the entity or imposed by a competent measuring authority.

2. A fine of from VND 10,000,000 to VND 20,000,000 shall be imposed for any of the following violations:

a) Failure to calibrate or compare measurement standards to national standards or measurement standards having higher accuracy before being put into use;

b) Failure to carry out tests or comparison of reference substances before putting them into use.

3. Remedial measures:

Enforced suspension and destruction of reference substances/measurement standards in case of the violations specified in Points a and b Clause 1 this Article.

#### **Article 6. Violations against regulations on production of measuring instruments**

1. A fine of from VND 5,000,000 to VND 10,000,000 shall be imposed for any of the following violations:

a) Production of measuring instruments without labels or with improper labels;

b) Production of group 1 measuring instruments not satisfying technical measurement requirements declared by the entity;

c) Failure to specify measurement units in accordance with those regulated by law.

2. A fine of from VND 10,000,000 to VND 20,000,000 shall be imposed for failure to carry out inspections or calibration for group 2 measuring instruments before putting them into use.

3. A fine of from VND 20,000,000 to VND 40,000,000 shall be imposed for any of the following violations:

a) Production of group 2 measuring instruments whose samples have not been approved;

b) Production of group 2 measuring instruments approved but the decision on approval for samples thereof expires.

4. A fine of from VND 40,000,000 to VND 60,000,000 shall be imposed for any of the following violations:

a) Production of group 2 measuring instruments whose samples are not satisfactory to those approved by a competent authority;

b) Failure to take preventive measures or make response to the change of specifications of measurement instruments declared by the producer or regulated by a competent authority.

5. Additional penalties:

The decision on approval for measurement instrument samples shall be suspended for 1 - 3 months in case of the violation specified in Clause 4 this Article.

6. Remedial measures:

a) Enforced suspension of the decision on approval for measuring instrument samples in case of the violation specified in Point b Clause 3 this Article;

b) Enforced confiscation of sold measuring instruments; enforced repair of measuring instruments before putting them into use; enforced destruction of measuring instruments that affect human's health, livestock, plants and the environment in case of the violations specified in Point b Clause 1 and Point a Clause 4 this Article.

#### **Article 7. Violations against regulations on import of measuring instruments**

1. A fine of from VND 5,000,000 to VND 10,000,000 shall be imposed for any of the following violations:

a) Import of measuring instruments without labels or with improper labels;

b) Import of group 1 measuring instruments not satisfying technical measurement requirements declared by the entity;

c) Import of group 2 measuring instruments not specifying measurement units in accordance with those regulated by law.

2. A fine of from VND 10,000,000 to VND 20,000,000 shall be imposed for failure to carry out inspections or calibration for group 2 measuring instruments before putting them into use.

3. A fine of from VND 20,000,000 to VND 40,000,000 shall be imposed for any of the following violations:

a) Import of group 2 measuring instruments whose samples have not been approved;

b) Import of group 2 measuring instruments approved but the decision on approval for samples thereof expires.

4. A fine of from VND 40,000,000 to VND 60,000,000 shall be imposed for any of the following violations:

a) Import of group 2 measuring instruments whose samples are not satisfactory to those approved by a competent authority;

b) Failure to take preventive measures or make response to the change of specifications of measurement instruments declared by the importer or regulated by a competent authority.

#### 5. Additional penalties:

The decision on approval for measurement instrument samples shall be suspended for 1 - 3 months in case of the violation specified in Clause 4 this Article.

#### 6. Remedial measures:

a) Enforced revocation of the decision on approval for measuring instruments in case of the violation specified in Point b Clause 3 this Article;

b) Enforced confiscation of sold measuring instruments; enforced destruction of measuring instruments that affect human's health, livestock, plants and the environment in case of the violations specified in Clauses 1 and 4 this Article.

### **Article 8. Violations against regulations on repair of measuring instruments**

1. A fine of from VND 5,000,000 to VND 10,000,000 shall be imposed for any act of affecting, adjusting, installing, withdrawing or replacing technical functions or structures that makes group 1 measuring instruments no longer satisfy technical measurement requirements declared by the entity.

2. A fine of from VND 10,000,000 to VND 20,000,000 shall be imposed for failure to carry out inspections or calibration for repaired group 2 measuring instruments before putting them into use.

3. A fine of from VND 20,000,000 to VND 30,000,000 shall be imposed for any act of affecting, adjusting, installing, withdrawing or replacing technical functions or structures that makes group 2 measuring instruments no longer satisfy technical measurement requirements approved by a competent authority.

4. A fine of from VND 40,000,000 to VND 50,000,000 shall be imposed for any act of affecting, adjusting, installing, withdrawing or replacing technical functions or structures that makes errors of measuring instruments exceed the permitted ones or makes changes in specifications of measurement instruments.

#### 5. Remedial measure:

Enforced transfer of the illegal profit earned from committing the violation specified in Clause 4 this Article to state budget.

## **Article 9. Violations against regulations on sale of measuring instruments**

1. A fine of from VND 1,000,000 to VND 2,000,000 shall be imposed for any of the following violations:

- a) Sale of measuring instruments without labels or with improper labels;
- b) Sale of group 1 measuring instruments not satisfying technical measurement requirements declared by the seller;
- c) Sale of group 2 measuring instruments not specifying measurement units in accordance with those regulated by law.

2. A fine of from VND 2,000,000 to VND 4,000,000 shall be imposed for any of the following violations:

- a) Sale of group 2 measuring instruments that have not been inspected or calibrated;
- b) Sale of group 2 measuring instruments whose samples have not been approved;
- c) Sale of group 2 measuring instruments whose samples are not satisfactory to those approved by a competent authority.

3. Remedial measures:

- a) Enforced destruction of measuring instruments that affect human's health, livestock, plants and the environment in case of the violations specified in Point b Clauses 1 and Points b and c Clause 2 this Article;
- b) Enforced transfer of the illegal profit earned from committing the violations specified in Point b Clause 1 and Points b and c Clause 2 this Article to state budget.

## **Article 10. Violations against regulations on use of group 2 measuring instruments**

1. A fine of from VND 500,000 to VND 1,000,000 shall be imposed for any of the following violations if one or some measuring instruments is/are not exceeding VND 1,000,000 (according to the value of new measuring instruments with the same types or those having equivalent specifications from the day on which the administrative violation is committed):

- a) Failure to obtain the certificate of inspection/calibration (stamp, marking, certificate);
- b) Expiry of the certificate of the inspection/calibration;
- c) Breaking of the seal, lead seal or removal of certificate of inspection/calibration on the measuring instrument;



d) Failure to carry out regular inspections;

dd) Failure to fulfill requirements for transportation, storage and use of measuring instruments under guidelines provided by the product owner thereof or regulations of a competent authority.

2. The fines for the violation specified in Clause 1 this Article if one or some measuring instruments is/are exceeding VND 1,000,000:

a) A fine of from VND 1,000,000 to VND 2,000,000 if one or some measuring instruments is/are exceeding VND 1,000,000 but not exceeding VND 10,000,000;

b) A fine of from VND 2,000,000 to VND 5,000,000 if one or some measuring instruments is/are exceeding VND 10,000,000 but not exceeding VND 30,000,000;

c) A fine of from VND 5,000,000 to VND 10,000,000 if one or some measuring instruments is/are exceeding VND 30,000,000 but not exceeding VND 50,000,000;

d) A fine of from VND 10,000,000 to VND 20,000,000 if one or some measuring instruments is/are exceeding VND 50,000,000 but not exceeding VND 70,000,000;

dd) A fine of from VND 20,000,000 to VND 30,000,000 if one or some measuring instruments is/are exceeding VND 70,000,000.

3. The fines for using improper or defective measuring instruments (according to the value of new measuring instruments with the same types or those having equivalent specifications from the day on which the administrative violation is committed):

a) A fine of from VND 2,000,000 to VND 5,000,000 if one or some measuring instruments is/are not exceeding VND 5,000,000;

b) A fine of from VND 5,000,000 to VND 10,000,000 if one or some measuring instruments is/are exceeding VND 5,000,000 but not exceeding VND 10,000,000;

c) A fine of from VND 10,000,000 to VND 20,000,000 if one or some measuring instruments is/are exceeding VND 10,000,000 but not exceeding VND 30,000,000;

d) A fine of from VND 20,000,000 to VND 30,000,000 if one or some measuring instruments is/are exceeding VND 30,000,000 but not exceeding VND 50,000,000;

dd) A fine of from VND 30,000,000 to VND 50,000,000 if one or some measuring instruments is/are exceeding VND 50,000,000 but not exceeding VND 70,000,000;

e) A fine of from VND 50,000,000 to VND 70,000,000 if one or some measuring instruments is/are exceeding VND 70,000,000.

4. A fine of from VND 5,000,000 to VND 10,000,000 shall be imposed for any of the following violations if one or some measuring instruments is/are not exceeding VND 1,000,000 (according to the value of new measuring instruments with the same types or those having equivalent specifications from the day on which the administrative violation is committed):

a) Change of structures or specifications of measuring instruments;

b) Affecting, adjusting, installing, withdrawing or replacing technical functions or structures that causes falsification of measuring instrument results or using other equipment to adjust errors of measuring instruments exceeding the permitted ones;

c) Failure to carry out inspections/calibration of measuring instruments within the prescribed duration at the request of a competent authority.

5. The fines for the violation specified in Clause 4 this Article if one or some measuring instruments is/are exceeding VND 1,000,000 (according to the value of new measuring instruments with the same types or those having equivalent specifications from the day on which the administrative violation is committed):

a) A fine of from VND 10,000,000 to VND 20,000,000 if one or some measuring instruments is/are exceeding VND 1,000,000 but not exceeding VND 10,000,000;

b) A fine of from VND 20,000,000 to VND 30,000,000 if one or some measuring instruments is/are exceeding VND 10,000,000 but not exceeding VND 30,000,000;

c) A fine of from VND 30,000,000 to VND 50,000,000 if one or some measuring instruments is/are exceeding VND 30,000,000 but not exceeding VND 50,000,000;

d) A fine of from VND 50,000,000 to VND 70,000,000 if one or some measuring instruments is/are exceeding VND 50,000,000 but not exceeding VND 70,000,000;

dd) A fine of from VND 70,000,000 to VND 100,000,000 if one or some measuring instruments is/are exceeding VND 70,000,000.

6. Additional penalties:

a) Exhibits and equipment used for violation commitment specified in Clause 4 this Article shall be confiscated;

b) The certificate of eligibility for business shall be suspended for 1 - 3 months in case of the violations specified in Clauses 3 and 4 this Article.

7. Remedial measures:

a) Enforced suspension of the expired certificate of inspection/calibration in case of the violation specified in Point b Clause 1 this Article;

b) Enforced transfer of the illegal profit earned from committing the violations specified in Clause 3 and Points b and c Clause 4 this Article to state budget.

**Article 11. Violations committed by inspectors and inspecting authorities**

1. A fine of from VND 5,000,000 to VND 10,000,000 shall be imposed upon an inspector that:

- a) fails to follow inspection procedures declared or those established by a competent authority;
- b) carries out inspections on group 2 measuring instruments when the decision on certification of inspector has not been given or expires;
- c) uses the certificate of inspector illegally; or the certificate having improper seal/lead seal; or
- d) conducts inspections of group 2 measuring instruments whose samples are incorrect or have not been approved.

2. A fine of from VND 10,000,000 to VND 20,000,000 shall be imposed upon an inspecting authority that:

- a) provides inspection services without the certificate of registration of providing inspection services;
- b) conducts inspections beyond the scope of operation registered;
- c) fails to follow inspection procedures declared or those established by a competent authority; or
- d) fails to satisfy requirements for provision of inspection services registered.

3. A fine of from VND 10,000,000 to VND 20,000,000 shall be imposed upon an appointed inspecting authority that:

- a) conducts inspections of group 2 measuring instruments when not being appointed by a competent authority or the decision on appointment expires;
- b) conducts inspections of group 2 measuring instruments beyond the appointed scope;
- c) uses measurement standards with an expired certificate of calibration to conduct inspections of group 2 measuring instruments; or
- d) uses measurement standards to carry out inspections on group 2 measuring instruments when the decision on certification thereof has not been given or expires.

4. A fine of from VND 30,000,000 to VND 40,000,000 shall be imposed for failure to carry out inspections but granting the certificate of inspection for the group 1 measuring instrument.

5. A fine of from VND 70,000,000 to VND 100,000,000 shall be imposed for failure to carry out inspections but granting the certificate of inspection for the group 2 measuring instrument.

6. Additional penalties:

b) The decision on certification of inspector shall be suspended for 1 - 3 months in case of the violations specified in Points a, c and d Clause 1, Clauses 4 and 5 this Article.

b) The decision on appointment of inspection shall be suspended for 1 - 3 months in case of the violations specified in Point b Clause 3 and Clause 5 this Article;

b) Operation of the inspecting authority shall be suspended for 1 - 3 months in case of the violations specified in Points a, b, c and d Clause 2, Clauses 3, 4 and 5 this Article.

7. Remedial measures:

a) Enforced revocation of the certificate of inspection in case of the violations specified in Clauses 4 and 5 this Article;

b) Enforced transfer of the illegal profit earned from committing the violations specified in Clauses 2, 3, 4 and 5 this Article to state budget.

#### **Article 12. Violations committed by calibration technicians and calibration authorities**

1. A fine of from VND 4,000,000 to VND 10,000,000 shall be imposed upon a calibration technician that:

a) fails to follow calibration procedures declared or those established by a competent authority;  
or

b) uses the certificate of calibration illegally.

2. A fine of from VND 20,000,000 to VND 40,000,000 shall be imposed upon a calibration authority that:

a) provides calibration services without the certificate of registration of providing calibration services;

b) carries out calibration beyond the scope of operation registered;

c) fails to follow calibration procedures declared or those established by a competent authority;  
or

d) fails to satisfy requirements for carrying out calibration registered.

3. A fine of from VND 50,000,000 to VND 70,000,000 shall be imposed upon an appointed calibration authority that:

a) calibrates measurement standards to carry out inspection/calibration of group 2 measuring instruments or calibrates group 2 measuring instruments when the decision on appointment has not been given or expires;

b) calibrates measurement standards to carry out inspection/calibration of group 2 measuring instruments or calibrates group 2 measuring instruments beyond the scope appointed; or

c) fails to satisfy requirements for carrying out calibration appointed.

4. A fine of from VND 30,000,000 to VND 40,000,000 shall be imposed for failure to carry out calibration but granting the certificate of calibration for the group 1 measuring instrument.

5. A fine of from VND 70,000,000 to VND 100,000,000 shall be imposed for failure to carry out calibration but granting the certificate of calibration for the group 2 measuring instrument.

6. Additional penalties:

a) The certificate of eligibility for registration of providing calibration services shall be suspended for 1 - 3 months in case of the violations specified in Points b and d Clause 2 this Article;

b) The decision on appointment of calibration shall be suspended for 1 - 3 months in case of the violations specified in Point b Clause 3 and Clause 5 this Article;

c) Operation of the calibration authority shall be suspended for 1 - 3 months in case of the violations specified in Clauses 3, 4 and 5 this Article.

7. Remedial measures:

a) Enforced revocation of the certificate of calibration in case of the violation specified in Point b Clause 1, Points a, b and c Clause 2, Points a and b Clause 3, Clauses 4 and 5 this Article;

b) Enforced transfer of the illegal profit earned from committing the violations specified in Clauses 2, 3, 4 and 5 this Article to state budget.

### **Article 13. Violations committed by test technicians and testing authorities**

1. A fine of from VND 2,000,000 to VND 4,000,000 shall be imposed upon a test technician that:

a) fails to follow testing procedures declared or those established by a competent authority; or

b) uses the certificate of testing illegally.

2. A fine of from VND 5,000,000 to VND 10,000,000 shall be imposed upon a testing authority that:

- a) provides testing services without the certificate of registration of providing testing services;
- b) carries out tests beyond the scope of operation registered;
- c) fails to follow declared testing procedures; or
- d) fails to satisfy requirements for carrying out tests registered.

3. A fine of from VND 25,000,000 to VND 35,000,000 shall be imposed upon an appointed testing authority that:

- a) conducts tests on group 2 measuring instruments when not being appointed or the decision on appointment expires;
- b) conducts tests on group 2 measuring instruments beyond the appointed scope;
- c) fails to satisfy requirements for carrying out tests appointed.

4. A fine of from VND 40,000,000 to VND 50,000,000 shall be imposed for failure to carry out tests but granting test results for the group 2 measuring instrument.

5. Additional penalties:

- a) The certificate of eligibility for registration of providing testing services shall be suspended for 1 - 3 months in case of the violations specified in Points b and d Clause 2 this Article;
- b) The decision on appointment of testing shall be suspended for 1 - 3 months in case of the violations specified in Point b Clause 3 and Clause 4 this Article;
- c) Operation of the testing authority shall be suspended for 1 - 3 months in case of the violations specified in Point c Clauses 3 and Clause 4 this Article.

6. Remedial measures:

- a) Enforced revocation of test results in case of the violations specified in Point b Clause 1, Points a, b and c Clause 2, Points a and b Clause 3 and Clauses 4 this Article;
- b) Enforced transfer of the illegal profit earned from committing the violations specified in Clauses 2, 3 and 4 this Article to state budget.

**Article 14. Violations against regulations on measurement of group 2 measurement process**

1. A fine of from VND 4,000,000 to VND 10,000,000 shall be imposed for any of the following violations:

a) Failure to facilitate supervision and inspection of measurement process and methods, measuring instruments, quantity of goods and services carried out by the entity in charge;

b) Failure to comply with technical measurement requirements during the measurement process.

2. The fines for the violation against regulations on measurement process during sale and purchase of goods or provision of services that the quantity of such goods or services having errors exceeding the prescribed errors according to technical measurement requirements for measurement process declared by the entity or regulated by a competent authority for illegal profit:

a) A fine of from VND 5,000,000 to VND 10,000,000 if the illegal profit is not exceeding VND 10,000,000;

b) A fine of from VND 10,000,000 to VND 20,000,000 if the illegal profit is exceeding VND 10,000,000 but not exceeding VND 50,000,000;

c) A fine of from VND 20,000,000 to VND 40,000,000 if the illegal profit is exceeding VND 50,000,000 but not exceeding VND 100,000,000;

d) A fine of from VND 40,000,000 to VND 60,000,000 if the illegal profit is exceeding VND 100,000,000 but not exceeding VND 200,000,000;

dd) A fine equal to 1 - 2 times the illegal profit if it is exceeding VND 200,000,000 but not exceeding VND 300,000,000;

e) A fine equal to 2 - 3 times the illegal profit if it is exceeding VND 300,000,000 but not exceeding VND 400,000,000;

g) A fine equal to 3 - 4 times the illegal profit if it is exceeding VND 400,000,000 but not exceeding VND 500,000,000;

h) A fine equal to 4 - 5 times the illegal profit if it is exceeding VND 500,000,000.

3. Remedial measure:

Enforced transfer of the illegal profit earned from committing the violations specified in Points a, b, c and d Clause 2 this Article to state budget.

### **Article 15. Violations against regulations on quantity of pre-packaged goods in production or import thereof**

1. A fine of from VND 4,000,000 to VND 8,000,000 shall be imposed if:

- a) The product owner fails to specify the quantity of pre-packaged goods on goods labels; fails to specify measurement units in accordance with those regulated by law;
- b) The quantity of pre-packaged goods specified on goods labels is not satisfactory to enclosed documents, technical measurement requirements declared by the product owner or technical measurement requirements regulated by a competent authority;
- c) The product owner fails to have the certificate of eligibility for using quantity markings to specify on goods labels or packages of group 2 pre-packaged goods or such certificate expires;
- d) Quantity markings on goods labels or packages of goods are not specified properly.

2. The fines for the violation against regulations on production or import of pre-packaged goods whose quantity has average value lower than that prescribed in technical measurement requirements declared by the product owner or regulated by a competent authority for illegal profit:

- a) A fine of from VND 5,000,000 to VND 10,000,000 if the illegal profit is not exceeding VND 10,000,000;
- b) A fine of from VND 10,000,000 to VND 20,000,000 if the illegal profit is exceeding VND 10,000,000 but not exceeding VND 50,000,000;
- c) A fine of from VND 20,000,000 to VND 40,000,000 if the illegal profit is exceeding VND 50,000,000 but not exceeding VND 100,000,000;
- d) A fine of from VND 40,000,000 to VND 60,000,000 if the illegal profit is exceeding VND 100,000,000 but not exceeding VND 200,000,000;
- dd) A fine equal to 1 - 2 times the illegal profit if it is exceeding VND 200,000,000 but not exceeding VND 300,000,000;
- e) A fine equal to 2 - 3 times the illegal profit if it is exceeding VND 300,000,000 but not exceeding VND 400,000,000;
- g) A fine equal to 3 - 4 times the illegal profit if it is exceeding VND 400,000,000 but not exceeding VND 500,000,000;
- h) A fine equal to 4 - 5 times the illegal profit if it is exceeding VND 500,000,000.

3. Remedial measure:

Enforced transfer of the illegal profit earned from committing the violations specified in Points a, b, c and d Clause 2 this Article to state budget.



## **Article 16. Violations against regulations on measurement of quantity of pre-packaged goods for sale**

1. A fine of from VND 2,000,000 to VND 4,000,000 shall be imposed for any of the following violations:

- a) Sale of pre-packaged goods not specifying the quantity on goods labels or specifying measurement units not satisfactory to those regulated by law;
- b) Sale of pre-packaged goods specifying the quantity on goods labels not satisfactory to enclosed documents, technical measurement requirements declared by the seller or technical measurement requirements regulated by a competent authority;
- c) Sale of group 2 pre-packaged goods not specifying quantity markings on labels or packages of goods.

2. The fines for the violation against regulations on sale of pre-packaged goods whose quantity has average value lower than that prescribed in technical measurement requirements declared by the seller or regulated by a competent authority for illegal profit:

- a) A fine of from VND 2,000,000 to VND 5,000,000 if the illegal profit is not exceeding VND 10,000,000;
- b) A fine of from VND 5,000,000 to VND 10,000,000 if the illegal profit is exceeding VND 10,000,000 but not exceeding VND 50,000,000;
- c) A fine of from VND 10,000,000 to VND 20,000,000 if the illegal profit is exceeding VND 50,000,000 but not exceeding VND 100,000,000;
- d) A fine of from VND 20,000,000 to VND 40,000,000 if the illegal profit is exceeding VND 100,000,000 but not exceeding VND 200,000,000;
- dd) A fine equal to 1 - 2 times the illegal profit if it is exceeding VND 200,000,000 but not exceeding VND 300,000,000;
- e) A fine equal to 2 - 3 times the illegal profit if it is exceeding VND 300,000,000 but not exceeding VND 400,000,000;
- g) A fine equal to 3 - 4 times the illegal profit if it is exceeding VND 400,000,000 but not exceeding VND 500,000,000;
- h) A fine equal to 4 - 5 times the illegal profit if it is exceeding VND 500,000,000.

3. Remedial measure:

Enforced transfer of the illegal profit earned from committing the violations specified in Points a, b, c and d Clause 2 this Article to state budget.

## **Section 2. VIOLATIONS AGAINST REGULATIONS ON TECHNICAL STANDARDS AND REGULATIONS; QUALITY OF GOODS**

### **Article 17. Violations against regulations on declaration of applicable standards**

1. A fine of from VND 10,000,000 to VND 20,000,000 shall be imposed for failure to make a declaration about applicable standards in production or import of goods.
2. A fine of from VND 20,000,000 to VND 40,000,000 shall be imposed if:
  - a) Produced or imported goods have quality not reaching the declared standards;
  - b) Contents of declared standards are not satisfactory to corresponding technical regulations or regulations of a competent authority.
3. A fine equal to 1 – 2 times the total value of illegal goods consumed shall be imposed if the produced/imported goods have quality not reaching the declared standards.
4. A fine equal to 2 – 3 times the total value of illegal goods consumed shall be imposed if the declared standards of produced/imported goods are against corresponding technical regulations or regulations of the competent authority.
5. A fine of from VND 10,000,000 to VND 20,000,000 shall be imposed for any of the following violations:
  - a) Failure to fulfill requirements for declared management system standards;
  - b) Failure to develop, apply and maintain the quality management system;
  - c) Failure to apply management system standards but declare the application.
6. Remedial measures:
  - a) Enforced repurposing or recycling of goods not satisfactory to declared standards; or enforced destruction of goods that affect human's health, livestock, plants and the environment in case of the violations specified in Clauses 1, 2, 3 and 4 this Article;
  - b) Enforced revision of declared standards and re-compliance with declaration of applicable standards in case of the violation specified in Point b Clause 2 this Article;
  - c) Enforced correction of false or misunderstanding information through the mass media or enforced compliance with declared standards in case of the violation specified in Clause 5 this Article.

## **Article 18. Violations against regulations on standard conformity**

1. The fines for the act of production or import of goods having quality not reaching the declared standards:

a) A fine of from VND 1,000,000 to VND 2,000,000 if the illegal goods are not exceeding VND 10,000,000;

b) A fine of from VND 2,000,000 to VND 4,000,000 if the illegal goods are exceeding VND 10,000,000 but not exceeding VND 20,000,000;

c) A fine of from VND 4,000,000 to VND 10,000,000 if the illegal goods are exceeding VND 20,000,000 but not exceeding VND 40,000,000;

d) A fine of from VND 10,000,000 to VND 25,000,000 if the illegal goods are exceeding VND 40,000,000 but not exceeding VND 80,000,000;

dd) A fine of from VND 25,000,000 to VND 50,000,000 if the illegal goods are exceeding VND 80,000,000 but not exceeding VND 150,000,000;

e) A fine of from VND 50,000,000 to VND 100,000,000 if the illegal goods are exceeding VND 150,000,000 but not exceeding VND 300,000,000;

g) A fine of from VND 100,000,000 to VND 150,000,000 if the illegal goods are exceeding VND 200,000,000 but not exceeding VND 300,000,000;

h) A fine of from VND 150,000,000 to VND 200,000,000 if the illegal goods are exceeding VND 300,000,000.

2. A fine of from VND 5,000,000 to VND 15,000,000 shall be imposed for any of the following violations:

a) Declaration of standard conformity that is not registered with a competent authority;

b) Failure to follow procedures for declaration of standard conformity;

c) Failure to retain documents on declaration of standard conformity;

d) Using the conformity marking illegally;

dd) Failure to re-declare standard conformity when there is any change to contents of documents on registered declaration of standard conformity or change to utility and characteristics of goods or services whose declaration of standard conformity has been registered.

3. A fine of from VND 30,000,000 to VND 50,000,000 shall be imposed for any of the following violations:

- a) Failure to maintain constantly the compliance with goods/services whose declaration of standard conformity has been registered; failure to maintain regularly control, testing and supervision at the producer's factory or trader's store;
- b) Failure to suspend production finish and recall unqualified goods being sold on the market that are likely to cause unsafety to consumers; failure to cease operation of relevant process, services and environment when required;
- c) Failure to take remedial measures when goods/services not satisfying declaration of standard conformity are found;
- d) Failure to notify a competent authority in writing of remedial measure results before selling goods or providing services.

4. A fine equal to 1 – 2 times the total value of illegal goods consumed shall be imposed if the produced/imported goods have quality not satisfying the documents on declaration of standard conformity.

5. Remedial measures:

Enforced recall of goods to repurpose or recycle goods not satisfying declared standards or destruction of goods that affect human's health, livestock, plants and the environment in case of the violations specified in Clause 1, Point dd Clause 2, Points b and c Clause 3 and Clause 4 this Article.

#### **Article 19. Violations against regulations on regulation conformity**

1. The fines for the act of production or import of goods having quality not satisfying the corresponding technical regulations:

- a) A fine of from VND 1,000,000 to VND 2,000,000 if the illegal goods are not exceeding VND 5,000,000;
- b) A fine of from VND 2,000,000 to VND 5,000,000 if the illegal goods are exceeding VND 5,000,000 but not exceeding VND 10,000,000;
- c) A fine of from VND 5,000,000 to VND 10,000,000 if the illegal goods are exceeding VND 10,000,000 but not exceeding VND 20,000,000;
- d) A fine of from VND 10,000,000 to VND 20,000,000 if the illegal goods are exceeding VND 20,000,000 but not exceeding VND 40,000,000;
- dd) A fine of from VND 20,000,000 to VND 40,000,000 if the illegal goods are exceeding VND 40,000,000 but not exceeding VND 80,000,000;

e) A fine of from VND 40,000,000 to VND 80,000,000 if the illegal goods are exceeding VND 80,000,000 but not exceeding VND 140,000,000;

g) A fine of from VND 80,000,000 to VND 140,000,000 if the illegal goods are exceeding VND 140,000,000 but not exceeding VND 220,000,000;

h) A fine of from VND 140,000,000 to VND 220,000,000 if the illegal goods are exceeding VND 220,000,000 but not exceeding VND 320,000,000;

i) A fine of from VND 220,000,000 to VND 300,000,000 if the illegal goods are exceeding VND 320,000,000.

2. A fine of from VND 15,000,000 to VND 30,000,000 shall be imposed for any of the following violations:

a) Failure to prepare and retain documents on declaration of regulation conformity;

b) Failure to carry out regular quality control, testing and supervision.

3. A fine of from VND 30,000,000 to VND 40,000,000 shall be imposed for any of the following violations:

a) Failure to make a declaration of regulation conformity for the goods whose declaration of conformity must be registered;

b) Failure to register documents on declaration of conformity with a competent authority;

c) Failure to use conformity markings or using those illegally for the goods whose declaration of conformity has been registered when they are sold on the market;

d) Failure to take preventive measures promptly when the goods for sale/use having quality not satisfying declaration of conformity or corresponding technical regulations;

dd) Failure to re-declare when there is any change to contents of documents on registered declaration of conformity with regulations or change to utility and characteristics of goods or services whose declaration of regulation conformity has been registered;

e) Using banned additives, chemicals or antibiotics in production of goods;

g) Failure to carry out certification of regulation conformity in production or import of goods or using the expired certificate of regulation conformity or conformity marking;

h) Failure to assess the compliance of technical regulations with imported goods subject to one of the following measures: certification or assessment carried out by a certification authority or assessment authority that has been registered or acknowledged by regulations of law; self-assessment of compliance carried out by the importer.

4. A fine equal to 2 – 3 times the total value of illegal goods consumed shall be imposed if the production or import of goods does not satisfy corresponding technical regulations or regulations of the competent authority.

5. Additional penalty:

The certificate of regulation conformity or conformity marking shall be suspended for 1 - 3 months in case of the violations specified in Clauses 2 this Article.

6. Remedial measures:

Enforced repurposing or recycling of goods not satisfying technical requirements; or enforced destruction of goods that affect human's health, livestock, plants and the environment in case of the violations specified in Clauses 1, 2, 3 and 4 this Article;

#### **Article 20. Violations against regulations on quality of goods for sale**

1. The following provisions shall apply to impose penalties for violations against regulations on quality of goods of the seller when they are sold on the market:

a) Clause 1 Article 17 herein in case of the violation against regulations on goods whose applicable standards are not declared; Point a Clause 2 Article 17 herein in case of the violation against regulations on goods having quality not satisfying declared standards;

b) Clause 1 Article 18 herein in case of the violation against regulations on goods having quality not satisfying used standards in order to declare standard conformity;

c) Clause 1 Article 19 herein in case of the violation against regulations on goods having quality not satisfying corresponding technical standards.

2. The Government's regulations on penalties for administrative violations against regulations on trade in case of the violation against regulations on production or trade in counterfeit goods.

3. A fine of from VND 500,000 to VND 1,000,000 shall be imposed for failure to make a declaration about applicable standards in sale of goods.

4. A fine of from VND 2,000,000 to VND 5,000,000 shall be imposed for failure to have the conformity marking in sale of goods.

5. A fine equal to 1 – 2 times the total value of illegal goods consumed shall be imposed if the sold goods have quality not satisfying the declared standards or applicable standards declared standard conformity.

6. A fine equal to 2 – 3 times the total value of illegal goods consumed shall be imposed if replacing, adding or removing ingredients or additives, mixing impurities to reduce the quality of goods compared to declared applicable standards.

7. A fine equal to 3 – 5 times the total value of illegal goods consumed shall be imposed if:

- a) The sold goods have quality not satisfying corresponding technical regulations or regulations of a competent authority;
- b) The goods are replaced, have ingredients or additives added or removed, impurities mixed or contain substances that affect safety of human, animals, property and the environment or fail to satisfy corresponding technical regulations or regulations of the competent authority.

8. Additional penalty:

The certificate of eligibility for business shall be suspended for 1 - 3 months in case of the violation specified in Clauses 7 this Article.

9. Remedial measures:

Enforced recall of goods for recycling or destruction of goods that affect human's health, livestock, plants and the environment in case of the violations specified in Clauses 5, 6 and 7 this Article.

#### **Article 21. Violations against regulations on assessment of conformity**

1. A fine of from VND 30,000,000 to VND 40,000,000 shall be imposed for any of the following violations:

- a) Carrying out assessment of conformity without registration thereof granted by a competent authority;
- b) Carrying out assessment of conformity beyond the registered scope;
- c) Failure to make regular or ad hoc reports at the request of a competent authority on assessment results of conformity registered;
- d) Failure to notify through mass media of issuance, reissue, expansion or reduction the scope of suspension or revocation of the certificate of conformity and rights to use conformity marking.

2. A fine of from VND 40,000,000 to VND 50,000,000 shall be imposed for any of the following violations:

- a) Carrying out assessment of conformity serving state management without the decision on appointment or such decision expires;
- b) Carrying out assessment of conformity serving state management beyond the appointed scope;
- c) Failure to ensure the maintenance of organizational structures and capacity registered in accordance with corresponding standards or regulations of the competent authority;

- d) Failure to comply with procedures for assessment of conformity approved or registered;
- dd) Failure to carry out regular supervision assessment for a requesting entity;
- e) Using test results of the testing authority that has not been registered;
- g) Appointment of unqualified experts responsible for assessment of conformity.

3. A fine of from VND 70,000,000 to VND 100,000,000 shall be imposed for any of the following violations:

- a) Providing false assessment results of conformity;
- b) Carrying out assessment that is not independent and objective.

4. A fine of from VND 100,000,000 to VND 150,000,000 shall be imposed for any of the following violations:

- a) Failure to carry out assessment of conformity but still giving assessment results thereof;
- b) Providing consulting services for the requesting entity;
- c) Failure to take remedial measures for violations required by a competent authority.

5. Additional penalties:

- a) The certificate of conformity assessment registration shall be suspended for 3 – 6 months in case of the violations specified in Points a and b Clause 1, Points c, dd, e and g Clause 2, Clauses 3 and 4 this Article;
- b) The decision on appointment shall be suspended for 3 - 6 months in case of the violations specified in Points a and b Clause 2 and Clause 4 this Article.

6. Remedial measures:

- a) Enforced revocation of assessment results of conformity in case of the violations specified in Point a and b Clause 1, Points a, b, c, d, e and g Clause 2, Clauses 3 and 4 this Article;
- b) Enforced transfer of the illegal profit earned from committing the violations specified in Points a and b Clause 1, Points a, b, c, d, e and g Clause 2, Clause 3 and Points a, b and c Clause 4 this Article to state budget.

**Article 22. Violations against regulations on provision of training and consulting services in management of quality measurement standards**



1. A fine of from VND 30,000,000 to VND 50,000,000 shall be imposed for any of the following violations:

a) Providing training or consulting services without registration thereof granted or reception of notification of training qualifications;

b) Providing training or consulting services beyond the registered or declared scope.

2. A fine of from VND 50,000,000 to VND 70,000,000 shall be imposed for any of the following violations:

a) Failure to maintain the registered organizational structure in accordance with corresponding standards or to declare training qualifications;

b) Failure to comply with training or consulting process approved or registered;

c) Failure to report results of providing training or consulting services.

3. A fine of from VND 70,000,000 to VND 100,000,000 shall be imposed for providing part of or the entire training or consulting services that have not been registered or have inadequate capacity for providing training.

4. Additional penalties:

The certificate of eligibility for providing training/consulting services shall be suspended for 3 – 6 months in case of the violations specified in Point b Clause 1, Points a and b Clause 2 and Clauses 3 this Article.

5. Remedial measures:

a) Enforced revocation of the certificate of eligibility for providing training in case of the violations specified in Clause 1 and Point b Clause 2 this Article;

b) Enforced transfer of the illegal profit earned from committing the violations specified in Clause 1, Points a and b Clause 2 and Clause 3 this Article to state budget.

### **Article 23. Violations against regulations on accreditation**

1. A fine of from VND 30,000,000 to VND 40,000,000 shall be imposed for any of the following violations:

a) Carrying out accreditation without the certificate of accreditation registration granted by a competent authority;

b) Carrying out accreditation beyond the registered scope.

2. A fine of from VND 40,000,000 to VND 50,000,000 shall be imposed for any of the following violations:

- a) Failure to maintain the organizational structure, management system and capacity of the accredited organization;
- b) Failure to declare process and procedures for assessment, accreditation and other relevant requirements therefor;
- c) Carrying out assessment or accreditation not following declared process or procedures, not satisfying corresponding technical standards and regulations used for assessment or accreditation or not following all of the aforesaid process, procedures technical standards and regulations;
- d) Failure to make regular or ad hoc reports at the request of a competent authority on accreditation results registered.

3. A fine of from VND 70,000,000 to VND 100,000,000 shall be imposed for any of the following violations:

- a) Failure to carry out regular supervision of the accredited organization;
- b) Carrying out accreditation that is not independent and objective;
- c) Providing consulting services for the accredited organization;
- d) Failure to take remedial measures after receiving a notification from a competent authority of organizing assessment of conformity violated regulations.

4. A fine of from VND 100,000,000 to VND 150,000,000 shall be imposed for any of the following violations:

- a) Failure to take remedial measures for violations required by a competent authority.
- b) Issuing or maintaining the certificate of accreditation for the conformity assessment organization that violates requirements therefor stated in relevant legislative documents.

5. Additional penalties:

The certificate of eligibility for accreditation shall be suspended for 3 – 6 months in case of the violations specified in Point b Clause 1, Points a, b and c Clause 2, Points a, b and c Clause 3 and Clause 4 this Article.

6. Remedial measures:

- a) Enforced revocation of the certificate of accreditation in case of the violations specified in Clause 1, Points a and c Clause 2, Points b and c Clause 3 and Clause 4 this Article;

b) Enforced transfer of the illegal profit earned from committing the violations specified in Clause 1, Points a and c Clause 2, Points b and c Clause 3 and Clause 4 this Article to state budget.

**Article 24. Violations against regulations on providing false information about documents related to technical standards and regulations, measurement and quality of goods**

1. A fine of from VND 10,000,000 to VND 30,000,000 shall be imposed for provision of false information about technical standards and regulations, measurement and quality of goods for consumers or through mass media.

2. A fine of from VND 30,000,000 to VND 50,000,000 shall be imposed for any of the following violations:

a) Falsification of conformity marking, quantity marking of pre-packaged goods or the certificate of conformity with standards/regulations, declaration of conformity with standards/regulations and specifying or attaching to goods or enclosed documents;

b) Falsification of the certificate of certification/testing/assessment/inspection/accreditation, test/inspection/supervision/assessment results of goods;

c) Falsification of the certificate, inspection/calibration/test results of measuring instruments or measurement standards;

d) Using false documents to register provision of inspection/calibration/testing of measuring instrument or measurement standard services or apply for provision thereof; register certification/testing/assessment/inspection/accreditation/training/consulting/prize consideration or apply for certification/testing/assessment/inspection; apply for the certificate of measurement standards or certificate of measurement inspector; apply for the certificate of petrol and oil/gas preparation registration; apply for the certificate of eligibility for helmet production, certificate of eligibility for use of quantity marking on pre-packaged goods labels, license for transportation of dangerous goods or certificate of barcode use rights;

dd) Falsifying contents of the certificate of registration of providing inspection/calibration/testing of measuring instrument or measurement standard services; decision on appointment of inspection/calibration/testing of measuring instruments/measurement standards; certificate of certification/testing/assessment/inspection/accreditation/training/consulting/prize consideration registration; decision on appointment of certification/testing/assessment/inspection organization; decision on certification of measurement standards, decision on certification of measurement inspector; certificate of petrol and oil/gas preparation registration; certificate of eligibility for helmet production, certificate of eligibility for use of quantity marking on pre-packaged goods labels; license for transportation of dangerous goods or certificate of barcode use rights.

3. Additional penalties:

a) Production, import or sale of goods shall be suspended for 1 - 3 months in case of the violation specified in Point a Clause 2 this Article;

b) Revocation of the certificate of standard conformity; certificate of regulation conformity; conformity marking; quantity marking on pre-packaged goods; certificate of certification/testing/assessment/inspection/accreditation, test/inspection/assessment results of quality; stamp, marking or certificate of inspection/calibration; certificate of registration of providing inspection/calibration/testing of measuring instrument or measurement standard services; decision on appointment of inspection/calibration/testing of measuring instruments/measurement standards; certificate of certification/testing/assessment/inspection/accreditation/training/consulting/prize consideration registration; decision on appointment of certification/testing/assessment/inspection organization; decision on certification of measurement standards, decision on certification of measurement inspector; certificate of petrol and oil/gas preparation registration; certificate of eligibility for helmet production, certificate of eligibility for use of quantity marking on pre-packaged goods labels; license for transportation of dangerous goods or certificate of barcode use rights in case of the violation specified in Clause 2 this Article.

#### 4. Remedial measures:

a) Enforced correction of false information about quality of goods through the mass media in case of the violation specified in Clause 1 this Article;

b) Enforced recall and removal of illegal elements attached to goods, measuring instruments, measurement standards or enclosed documents; or enforced destruction of goods, measuring instruments or measurement standards violating the provisions stated in Points a and c Clause 2 this Article if the aforesaid elements fail to be removed.

### **Article 25. Violations against regulations on rewards for quality of goods**

1. A fine of from VND 30,000,000 to VND 40,000,000 shall be imposed for any of the following violations:

a) Considering rewards for quality of goods when registration thereof has not been granted by a competent authority;

b) Considering rewards for quality of goods not included in the registered rewards.

2. A fine of from VND 40,000,000 to VND 70,000,000 shall be imposed for any of the following violations:

a) Considering and giving rewards for quality of goods not in compliance with the registered regulations on rewards;

b) Lack of prescribed qualifications for consideration of rewards of relevant experts;

c) Failure to provide documents on consideration of rewards for quality of goods when required by a competent authority;

d) Failure to report results of consideration of rewards for quality of goods when required by a competent authority.

3. A fine of from VND 70,000,000 to VND 100,000,000 shall be imposed for failure to make reports on remedial measures for violations required by a competent authority.

4. Additional penalty:

The written confirmation of reward registration shall be suspended for 1 – 3 months in case of the violations specified in Point b Clause 1, Points a, b and c Clause 2 this Article.

5. Remedial measures:

a) Enforced revocation or removal of the decision on giving rewards in case of the violations specified in Clause 1, Points a, b and c Clause 2 and Clause 3 this Article;

b) Enforced revocation or removal of the reward in case of the violations specified in Clause 1, Points a, b and c Clause 2 and Clause 3 this Article;

c) Enforced transfer of the illegal profit earned from committing the violations specified in Clause 1, Points a, b and c Clause 2 and Clause 3 this Article to state budget.

#### **Article 26. Violations against regulations on national quality awards**

1. A warning shall be imposed for any of the following violations:

a) Failure to comply with criteria for consideration of rewards of the rewarded enterprise within prescribed time limit;

b) Taking advantage of national quality awards to damage the prestige thereof.

2. Remedial measure:

Enforced correction of false information through transaction documents, commercials or in other manners in case of the violation specified in Clause 1 this Article.

#### **Article 27. Violations against regulations on transportation of dangerous goods that are oxidizing agents, organic oxide compounds and corrosives**

1. A fine of from VND 30,000,000 to VND 70,000,000 shall be imposed for any of the following violations:

a) Transportation of dangerous goods without a license granted by a competent authority;

- b) Using the expired license for transportation of dangerous goods;
- c) Transportation of dangerous goods not included in the license;
- d) Using vehicles to transport, packaging or labeling dangerous goods illegally;
- dd) Failure to provide documents related to transportation of dangerous goods at the request of a competent authority;
- e) Failure to notify vehicle users (vehicle owner/driver/escort) in writing of contents related to the process of transporting dangerous goods, such as: the list of dangerous goods for transport, safety data sheet and response to chemical emergencies;
- g) Failure to request an environmental authority to cooperate in taking actions against chemical emergencies during the transportation of dangerous goods;
- h) Failure to report the process of transporting dangerous goods;
- i) Failure to take remedial measures for violations required by a competent authority.

#### 2. Additional penalty:

The license for transportation of dangerous goods shall be suspended for 1 - 3 months in case of the violations specified in Points c, dd and e Clause 1 this Article.

#### 3. Remedial measure:

The license for transportation of dangerous goods shall be revoked in case of the violation specified in Point g this Article.

### **Article 28. Violations against regulations on production of helmets**

1. A fine of from VND 30,000,000 to VND 40,000,000 shall be imposed for any of the following violations:

- a) Production of helmets without the certificate of eligibility for production of helmets granted by a competent authority;
- b) Using the expired certificate of eligibility for production of helmets.

#### 2. Remedial measures:

a) The certificate of eligibility for production of helmets shall be revoked in case of the violation specified in Point b Clause 1 this Article;

b) Enforced transfer of illegal profit earned from committing the violation specified in Clause 1 this Article to state budget.

### **Article 29. Violations against regulations on production and preparation of gas or petrol and oil**

1. A fine of from VND 40,000,000 to VND 60,000,000 shall be imposed for any of the following violations:

a) Production or preparation of gas or petrol and oil without a certificate granted by a competent authority;

b) Using the expired certificate of petrol and oil/gas preparation registration.

2. Remedial measures:

a) The certificate of petrol and oil/gas preparation registration shall be revoked in case of the violation specified in Point b Clause 1 this Article;

b) Enforced transfer of the illegal profit earned from committing the violation specified in Clause 1 this Article to state budget.

### **Section 3. VIOLATIONS AGAINST REGULATIONS ON GOODS LABELS AND BARCODES**

#### **Article 30. Violations against regulations on goods labeling**

1. A fine of from VND 500,000 to VND 1,000,000 shall be imposed for any of the following violations if the illegal goods are not exceeding VND 5,000,000:

a) The goods have labels that are obscured, torn, translucent or illegible or make it unable to read all compulsory contents on goods labels;

b) The goods have labels specifying false letter and number sizes, language, quantity and measurement units prescribed in regulations of law on goods labeling.

2. The fines for the violation specified in Clause 1 this Article if the illegal goods are exceeding VND 5,000,000:

a) A fine of from VND 1,000,000 to VND 3,000,000 if the illegal goods are exceeding VND 5,000,000 but not exceeding VND 10,000,000;

b) A fine of from VND 3,000,000 to VND 5,000,000 if the illegal goods are exceeding VND 10,000,000 but not exceeding VND 20,000,000;

c) A fine of from VND 5,000,000 to VND 7,000,000 if the illegal goods are exceeding VND 20,000,000 but not exceeding VND 30,000,000;

d) A fine of from VND 7,000,000 to VND 10,000,000 if the illegal goods are exceeding VND 30,000,000 but not exceeding VND 50,000,000;

dd) A fine of from VND 10,000,000 to VND 15,000,000 if the illegal goods are exceeding VND 50,000,000 but not exceeding VND 70,000,000;

e) A fine of from VND 15,000,000 to VND 20,000,000 if the illegal goods are exceeding VND 70,000,000 but not exceeding VND 100,000,000;

g) A fine of from VND 20,000,000 to VND 30,000,000 if the illegal goods are exceeding VND 100,000,000.

### 3. Remedial measure:

Enforced recall of goods in case of the violations specified in Clauses 1 and 2 this Article.

### **Article 31. Violations against regulations on compulsory contents specified on goods labels**

1. A fine of from VND 500,000 to VND 1,000,000 shall be imposed for any of the following violations if the illegal goods are not exceeding VND 3,000,000:

a) The goods have labels (including stamps or auxiliary labels) or enclosed documents not specifying compulsory contents on the goods labels in accordance with regulations of law on goods labeling;

b) Imported goods have original labels in a foreign language but do not have auxiliary labels in Vietnamese.

2. The fines for the violation specified in Clause 1 this Article if the illegal goods are exceeding VND 3,000,000:

a) A fine of from VND 1,000,000 to VND 4,000,000 if the illegal goods are exceeding VND 3,000,000 but not exceeding VND 10,000,000;

b) A fine of from VND 4,000,000 to VND 7,000,000 if the illegal goods are exceeding VND 10,000,000 but not exceeding VND 20,000,000;

c) A fine of from VND 7,000,000 to VND 10,000,000 if the illegal goods are exceeding VND 20,000,000 but not exceeding VND 30,000,000;

d) A fine of from VND 10,000,000 to VND 15,000,000 if the illegal goods are exceeding VND 30,000,000 but not exceeding VND 50,000,000;



dd) A fine of from VND 15,000,000 to VND 20,000,000 if the illegal goods are exceeding VND 50,000,000 but not exceeding VND 70,000,000;

e) A fine of from VND 20,000,000 to VND 25,000,000 if the illegal goods are exceeding VND 70,000,000 but not exceeding VND 100,000,000;

g) A fine of from VND 25,000,000 to VND 30,000,000 if the illegal goods are exceeding VND 100,000,000.

3. The fines for trade in goods whose labels display images, drawings, writings, signs, symbols, medals, prizes and other information that are not true to nature or fact of such goods; labels displaying images or contents related to the sovereignty disputes and other sensitive contents that may affect security, politics, economy, society, diplomatic relations and Vietnamese custom; trade in labeled goods including original labels or auxiliary ones of imported goods that are falsified; trade in goods having fraudulent use duration on goods labels; or trade in expired goods:

a) A fine of from VND 200,000 to VND 400,000 if the illegal goods are not exceeding VND 1,000,000;

b) A fine of from VND 400,000 to VND 600,000 if the illegal goods are exceeding VND 1,000,000 but not exceeding VND 2,000,000;

c) A fine of from VND 600,000 to VND 1,000,000 if the illegal goods are exceeding VND 2,000,000 but not exceeding VND 3,000,000;

d) A fine of from VND 1,000,000 to VND 2,000,000 if the illegal goods are exceeding VND 3,000,000 but not exceeding VND 5,000,000;

dd) A fine of from VND 2,000,000 to VND 3,000,000 if the illegal goods are exceeding VND 5,000,000 but not exceeding VND 10,000,000;

e) A fine of from VND 3,000,000 to VND 5,000,000 if the illegal goods are exceeding VND 10,000,000 but not exceeding VND 20,000,000;

g) A fine of from VND 5,000,000 to VND 7,000,000 if the illegal goods are exceeding VND 20,000,000 but not exceeding VND 30,000,000;

h) A fine of from VND 7,000,000 to VND 10,000,000 if the illegal goods are exceeding VND 30,000,000 but not exceeding VND 40,000,000;

i) A fine of from VND 10,000,000 to VND 15,000,000 if the illegal goods are exceeding VND 40,000,000 but not exceeding VND 50,000,000;

k) A fine of from VND 15,000,000 to VND 20,000,000 if the illegal goods are exceeding VND 50,000,000 but not exceeding VND 70,000,000;

l) A fine of from VND 20,000,000 to VND 30,000,000 if the illegal goods are exceeding VND 70,000,000 but not exceeding VND 100,000,000;

m) A fine of from VND 30,000,000 to VND 40,000,000 if the illegal goods are exceeding VND 100,000,000;

n) A fine of twice as much as the fine prescribed in Points a, b, c, d, dd, e, g, h, i, k, l and m this Clause shall be imposed for the following illegal goods: food, food additives, food processing aids, food preservatives, preventive and curative medicines for humans, functional foods and cosmetics; detergents, insecticides, veterinary drugs, fertilizers, cement, feedstuff, pesticides, growth promoters, crop varieties and breeds of livestock; restricted or conditional goods.

4. The fines for trading in goods without compulsory labels; without original labels or with falsified original labels:

a) A fine of from VND 1,000,000 to VND 3,000,000 if the illegal goods are not exceeding VND 5,000,000;

b) A fine of from VND 3,000,000 to VND 6,000,000 if the illegal goods are exceeding VND 5,000,000 but not exceeding VND 10,000,000;

c) A fine of from VND 6,000,000 to VND 10,000,000 if the illegal goods are exceeding VND 10,000,000 but not exceeding VND 20,000,000;

d) A fine of from VND 10,000,000 to VND 15,000,000 if the illegal goods are exceeding VND 20,000,000 but not exceeding VND 30,000,000;

dd) A fine of from VND 15,000,000 to VND 25,000,000 if the illegal goods are exceeding VND 30,000,000 but not exceeding VND 50,000,000;

e) A fine of from VND 25,000,000 to VND 35,000,000 if the illegal goods are exceeding VND 50,000,000 but not exceeding VND 70,000,000;

g) A fine of from VND 35,000,000 to VND 50,000,000 if the illegal goods are exceeding VND 70,000,000 but not exceeding VND 100,000,000;

h) A fine of from VND 50,000,000 to VND 60,000,000 if the illegal goods are exceeding VND 100,000,000.

5. The fines for trade in goods attaching counterfeit labels including goods having labels or packages under another trader's name or address; counterfeiting trade names or trade item names of goods; falsifying registration identification numbers, barcodes or packages of another trader; goods whose labels or packages showing counterfeit origins of goods, places of production, packaging or assembly of goods:

a) A fine of from VND 200,000 to VND 500,000 if the illegal goods equivalent to the quantity of the genuine ones are under VND 1,000,000;

b) A fine of from VND 500,000 to VND 2,000,000 if the illegal goods equivalent to the quantity of the genuine ones are from VND 1,000,000 to less than VND 3,000,000;

c) A fine of from VND 2,000,000 to VND 3,000,000 if the illegal goods equivalent to the quantity of the genuine ones are from VND 3,000,000 to less than VND 5,000,000;

d) A fine of from VND 3,000,000 to VND 5,000,000 if the illegal goods equivalent to the quantity of the genuine ones are from VND 5,000,000 to less than VND 10,000,000;

dd) A fine of from VND 5,000,000 to VND 10,000,000 if the illegal goods equivalent to the quantity of the genuine ones are from VND 10,000,000 to less than VND 20,000,000;

e) A fine of from VND 10,000,000 to VND 20,000,000 if the illegal goods equivalent to the quantity of the genuine ones are from VND 20,000,000 to less than VND 30,000,000;

g) A fine of from VND 20,000,000 to VND 30,000,000 if the illegal goods equivalent to the quantity of the genuine ones are from VND 30,000,000 to less than VND 40,000,000;

h) A fine of from VND 30,000,000 to VND 40,000,000 if the illegal goods equivalent to the quantity of the genuine ones are from VND 40,000,000 to less than VND 50,000,000;

i) A fine of from VND 40,000,000 to VND 50,000,000 if the illegal goods equivalent to the quantity of the genuine ones are assessed at VND 50,000,000 or over.

k) A fine of twice as much as the fine specified in Points a, b, c, d, dd, e, g, h and i this Clause shall be imposed for any of the following violations of trade in goods having counterfeit labels if:

- The goods are food, medicines and preventive medicines for humans without facing criminal prosecution;

- The goods are feedstuff, fertilizers, veterinary drugs, pesticides, crop varieties and breeds of livestock without facing criminal prosecution;

- The goods are food additives, food preservatives, food processing aids, functional foods, cosmetics, detergents, insecticides, medical equipment, cement, construction steels and helmets.

6. A fine of twice as much as the fine specified in Clause 5 this Article shall be imposed for production of goods whose labels are counterfeit.

7. Additional penalties:

a) Exhibits used for administrative violation commitment mentioned in Clauses 5 and 6 this Article shall be confiscated;

b) The license or certificate to operate shall be suspended for 1 - 3 months in case of the violations specified in this Clause if such same violations are committed for multiple times or re-committed.

8. Remedial measures: Enforced destruction of illegal labels or goods having illegal labels in case of the violations specified in Clauses 5 and 6 this Article.

### **Article 32. Violations against regulations on use of barcodes**

1. A fine of from VND 2,000,000 to VND 5,000,000 shall be imposed for any of the following violations:

a) Failure to re-register with a competent authority when there is a change in the transaction name or address on the business license or failure to notify in writing when the certificate of barcode use rights is lost or damaged;

b) Failure to follow procedures for renewal of the certificate of barcode use rights when it expires;

c) Failure to present legal documents proving rights to use barcodes when required by a competent authority;

d) Failure to declare and update the list of used Global Trade Item Numbers (GTINs) and Global Location Numbers (GLNs) to the competent authority;

dd) Failure to notify in writing together with documents proving the rights to use foreign identification numbers with the competent authority when they are used for production or processing domestic goods;

e) Failure to declare information on the national identification number database; declare information thereon not in line with real information about the trade item using the GTIN or location using the GLN;

g) Failure to pay for the maintenance cost of using barcodes.

2. A fine of from VND 6,000,000 to VND 10,000,000 shall be imposed for any of the following violations:

a) Use of the barcode using Vietnam code (893) without grant of rights to use barcodes;

b) Use of revoked barcodes;

c) Sale or transfer of granted barcodes.

3. A fine of from VND 10,000,000 to VND 20,000,000 shall be imposed for any of the following violations:

a) Use of foreign barcodes to print on produced/processed/packaged/extracted goods in Vietnam without a written permission given by a foreign competent authority or an organization possessing such barcodes;

b) Use of signs that make it difficult to distinguish from barcodes of a competent state authority and the GS1.

4. A fine of from VND 20,000,000 to VND 50,000,000 shall be imposed for any of the following violations:

a) Providing or using source of data on barcodes not in line with those of the competent state authority and the GS1;

b) Provide false information about the owner or user of legal GS1 barcodes;

c) Developing and providing services, solutions and applications based on barcodes of the competent state management.

5. The fines for trade in goods violating regulations on barcodes:

a) A fine of from VND 500,000 to VND 1,000,000 if the illegal goods are not exceeding VND 10,000,000;

b) A fine of from VND 1,000,000 to VND 2,000,000 if the illegal goods are exceeding VND 10,000,000 but not exceeding VND 20,000,000;

c) A fine of from VND 2,000,000 to VND 3,000,000 if the illegal goods are exceeding VND 20,000,000 but not exceeding VND 30,000,000;

d) A fine of from VND 3,000,000 to VND 5,000,000 if the illegal goods are exceeding VND 30,000,000 but not exceeding VND 50,000,000;

dd) A fine of from VND 5,000,000 to VND 7,000,000 if the illegal goods are exceeding VND 50,000,000 but not exceeding VND 70,000,000;

e) A fine of from VND 7,000,000 to VND 10,000,000 if the illegal goods are exceeding VND 70,000,000 but not exceeding VND 100,000,000;

g) A fine of from VND 10,000,000 to VND 15,000,000 if the illegal goods are exceeding VND 100,000,000.

6. Remedial measures:

a) Enforced recall of goods and destruction of illegal barcodes on goods, packages or vehicles in case of the violations specified in Clauses 2 and 3 this Article;

b) Enforced transfer of the illegal profit earned from committing the violation specified in Clause 4 this Article to state budget.

### **Article 33. Violations against regulations on use and issuance of certificates of barcode use rights**

1. A fine of from VND 10,000,000 to VND 20,000,000 shall be imposed for any of the following violations:

- a) Issuing the certificate of barcode use rights illegally;
- b) Using the certificate of barcode use rights not issued by a competent authority.

2. Remedial measure:

The certificate of barcode use rights shall be revoked in case of the violation specified in Clause 1 this Article.

## **Chapter III**

### **POWER TO MAKE REPORTS AND IMPOSE PENALTIES FOR ADMINISTRATIVE VIOLATIONS**

#### **Article 34. Power to impose penalties of inspectors and entities responsible for conducting scientific and technological inspections**

1. Inspectors and entities responsible for conducting scientific and technological inspections in the performance of their duties are entitled to:

- a) Issue warnings;
- b) Impose a maximum fine of VND 500,000 upon an individual and VND 1,000,000 upon an organization;
- c) Confiscate exhibits and equipment used for administrative violation commitment whose value does not exceed the fine specified in Point b this Clause;
- d) Impose remedial measures in case of the administrative violation specified in Point a Clause 3 Article 2 herein.

2. Chief inspectors of provincial Departments of Science and Technology; Chiefs of inspectorates of provincial Departments of Science and Technology; Directors of Departments of Standards, Metrology and Quality of districts/cities; Chiefs of inspectorates of Departments of Standards, Metrology and Quality of districts/cities and Chief of inspectorate of the Directorate for Standards, Metrology and Quality are entitled to:

- a) Issue warnings;
- b) Impose a maximum fine of VND 50,000,000 upon an individual and VND 100,000,000 upon an organization;
- c) Suspend violators' operation, licenses or certificates;
- d) Confiscate exhibits and equipment used for administrative violation commitment whose value does not exceed the fine specified in Point b this Clause;
- dd) Impose remedial measures in case of the administrative violation specified in Clause 3 Article 2 herein.

3. Chief of inspectorate of the Ministry of Science and Technology is entitled to:

- a) Issue warnings;
- b) Impose a maximum fine of VND 70,000,000 upon an individual and VND 140,000,000 upon an organization for committing a measurement-related violation; VND 105,000,000 upon an individual and VND 210,000,000 upon an organization for committing a product quality-related violation;
- c) Suspend violators' operation, licenses or certificates;
- d) Confiscate exhibits and equipment used for administrative violation commitment whose value does not exceed the fine specified in Point b this Clause;
- dd) Impose remedial measures in case of the administrative violation specified in Clause 3 Article 2 herein.

4. Chief inspector of the Ministry of Science and Technology and Director of the Directorate for Standards, Metrology and Quality are entitled to:

- a) Issue warnings;
- b) Impose the maximum fine under provisions stated herein;
- c) Suspend violators' operation, licenses or certificates;
- d) Confiscate exhibits and equipment used for administrative violation commitment;
- dd) Impose remedial measures in case of the administrative violation specified in Clause 3 Article 2 herein.

**Article 35. Power to impose penalties of Chairpersons of People's Committees**

1. Chairpersons of People's Committees of communes are entitled to:

- a) Issue warnings;
- b) Impose a maximum fine of VND 5,000,000 upon an individual and VND 10,000,000 upon an organization;
- c) Confiscate exhibits and equipment used for administrative violation commitment whose value does not exceed the fine specified in Point b this Clause;
- d) Impose remedial measures in case of the administrative violation specified in Point a Clause 3 Article 2 herein.

2. Chairpersons of People's Committees of districts are entitled to:

- a) Issue warnings;
- b) Impose a maximum fine of VND 50,000,000 upon an individual and VND 100,000,000 upon an organization;
- c) Suspend violators' operation, decisions, licenses or certificates granted by competent authorities;
- d) Confiscate exhibits and equipment used for administrative violation commitment whose value does not exceed the fine specified in Point b this Clause;
- dd) Impose remedial measures in case of the administrative violation specified in Point a, c, dd, e, g, h and i Clause 3 Article 2 herein.

3. Chairpersons of People's Committees of provinces are entitled to:

- a) Issue warnings;
- b) Impose the maximum fine under provisions stated herein;
- c) Suspend violators' operation, decisions, licenses or certificates granted by competent authorities;
- d) Confiscate exhibits and equipment used for administrative violation commitment;
- dd) Impose remedial measures in case of the administrative violation specified in Clause 3 Article 2 herein.

### **Article 36. Power to impose penalties of the police**

1. Police officers in the performance of their duties are entitled to:



a) Issue warnings;

b) Impose a maximum fine of VND 500,000 upon an individual and VND 1,000,000 upon an organization;

2. Captains of police stations of the police officers specified in Clause 1 this Article are entitled to:

a) Issue warnings;

b) Impose a maximum fine of VND 1,500,000 upon an individual and VND 3,000,000 upon an organization.

3. Chiefs of police departments of communes, police stations of border checkpoints and export-processing zones are entitled to:

a) Issue warnings;

b) Impose a maximum fine of VND 2,500,000 upon an individual and VND 5,000,000 upon an organization;

c) Confiscate exhibits and equipment used for administrative violation commitment whose value does not exceed the fine specified in Point b this Clause;

d) Impose remedial measures in case of the administrative violation specified in Point a Clause 3 Article 2 herein.

4. Chiefs of police departments of districts; managers of Social Order Department, Corruption Department, Road and Rail Transport Department, Internal Waterways Department, Environmental Crime Department, Fire and Rescue Police Department, Economic Security Department, Cultural and Politic Security Department and Information Security Department are entitled to:

a) Issue warnings;

b) Impose a maximum fine of VND 25,000,000 upon an individual and VND 50,000,000 upon an organization;

c) Suspend violators' operation, decisions, licenses or certificates granted by competent authorities;

d) Confiscate exhibits and equipment used for administrative violation commitment whose value does not exceed the fine specified in Point b this Clause;

dd) Impose remedial measures in case of the administrative violation specified in Points a, g, h and i Clause 3 Article 2 herein.

5. Directors of provincial Police Departments are entitled to:

- a) Issue warnings;
- b) Impose a maximum fine of VND 50,000,000 upon an individual and VND 100,000,000 upon an organization;
- c) Suspend violators' operation, decisions, licenses or certificates granted by competent authorities;
- d) Confiscate exhibits and equipment used for administrative violation commitment whose value does not exceed the fine specified in Point b this Clause;
- dd) Impose remedial measures in case of the administrative violation specified in Points a, dd, g, h and i Clause 3 Article 2 herein.

6. Directors of Internal Security Department, Economic Security Department, Cultural - Information - Communications Security Department, Corruption Department, Social Order Department, Drug Enforcement Department, High Technology Crime Department, Traffic Police Department, Environmental Crime Department and Fire and Rescue Police Department are entitled to:

- a) Issue warnings;
- b) Impose the maximum fine under provisions stated herein;
- c) Suspend violators' operation, decisions, licenses or certificates granted by competent authorities;
- d) Confiscate exhibits and equipment used for administrative violation commitment whose value does not exceed the fine specified in Point b this Clause;
- dd) Impose remedial measures in case of the administrative violation specified in Points a, dd, g, h and i Clause 3 Article 2 herein.

### **Article 37. Power to impose penalties of the customs**

1. Customs officials in the performance of their duties are entitled to:

- a) Issue warnings;
- b) Impose a maximum fine of VND 500,000 upon an individual and VND 1,000,000 upon an organization;

2. Team leaders of Sub-department of Customs and Sub-departments of Post-Clearance Inspection are entitled to:

a) Issue warnings;

b) Impose a maximum fine of VND 5,000,000 upon an individual and VND 10,000,000 upon an organization;

3. Directors of Sub-departments of Customs, Sub-departments of Post-clearance Inspection, team leaders of provincial Customs Departments, smuggling prevention team leaders, customs procedures team leaders, leaders of customs control teams at sea and leaders of intellectual property right protection teams of the Smuggling Investigation and Prevention Department of the General Department of Customs are entitled to:

a) Issue warnings;

b) Impose a maximum fine of VND 25,000,000 upon an individual and VND 50,000,000 upon an organization;

c) Confiscate exhibits and equipment used for violation commitment whose value does not exceed the fine specified in Point b this Clause;

dd) Impose remedial measures in case of the administrative violation specified in Points a, b, d, dd, g, h and i Clause 3 Article 2 herein.

4. Director of the Smuggling Investigation Department, Director of the Post-clearance Inspection Department affiliated to the General Department of Customs, Director of provincial Customs Departments are entitled to:

a) Issue warnings;

b) Impose a maximum fine of VND 50,000,000 upon an individual and VND 100,000,000 upon an organization;

c) Suspend violators' operation, licenses or certificates;

d) Confiscate exhibits and equipment used for violation commitment whose value does not exceed the fine specified in Point b this Clause;

dd) Impose remedial measures in case of the administrative violation specified in Points a, b, d, dd, g, h and i Clause 3 Article 2 herein.

5. Director of General Department of Customs is entitled to:

a) Issue warnings;

b) Impose the maximum fine under provisions stated herein;

c) Confiscate exhibits and equipment used for administrative violation commitment;

d) Impose remedial measures in case of the administrative violation specified in Points a, b, d, dd, g, h and i Clause 3 Article 2 herein.

### **Article 38. Power to impose penalties of the market surveillance authorities**

1. Market surveillance officials in the performance of their duties are entitled to:

a) Issue warnings;

b) Impose a maximum fine of VND 500,000 upon an individual and VND 1,000,000 upon an organization;

2. Leaders of market surveillance teams are entitled to:

a) Issue warnings;

b) Impose a maximum fine of VND 25,000,000 upon an individual and VND 50,000,000 upon an organization;

c) Confiscate exhibits and equipment used for violation commitment whose value does not exceed the fine specified in Point b this Clause;

d) Impose remedial measures in case of the administrative violation specified in Points a, c, d, dd, e, g, h and i Clause 3 Article 2 herein.

3. Directors of Market Surveillance Departments of Provincial Departments of Industry and Trade, managers of departments affiliated to Market Surveillance Agency are entitled to:

a) Issue warnings;

b) Impose a maximum fine of VND 50,000,000 upon an individual and VND 100,000,000 upon an organization;

c) Confiscate exhibits and equipment used for violation commitment whose value does not exceed the fine specified in Point b this Clause;

d) Suspend violators' operation, licenses or certificates;

dd) Impose remedial measures in case of the administrative violation specified in Clause 3 Article 2 herein.

4. Director of the Market Surveillance Agency is entitled to:

a) Issue warnings;

b) Impose the maximum fine under provisions stated herein;

- c) Confiscate exhibits and equipment used for administrative violation commitment;
- d) Suspend violators' operation, licenses or certificates;
- dd) Impose remedial measures in case of the administrative violation specified in Clause 3 Article 2 herein.

### **Article 39. Power to impose penalties of the border guard**

1. Border guard soldiers in the performance of their duties are entitled to:

- a) Issue warnings;
- b) Impose a maximum fine of VND 500,000 upon an individual and VND 1,000,000 upon an organization;

2. Team leaders of the border guard soldiers specified in Clause 1 this Article are entitled to:

- a) Issue warnings;
- b) Impose a maximum fine of VND 2,500,000 upon an individual and VND 5,000,000 upon an organization.

3. Captains of border guard stations, leaders of coastal guard teams, commanders of border guard at checkpoints and holders of equivalent positions are entitled to:

- a) Issue warnings;
- b) Impose a maximum fine of VND 20,000,000 upon an individual and VND 40,000,000 upon an organization for committing a measurement-related violation; VND 25,000,000 upon an individual and VND 50,000,000 upon an organization for committing a product quality-related violation;

c) Confiscate exhibits and equipment used for violation commitment whose value does not exceed the fine specified in Point b this Clause;

d) Impose remedial measures in case of the administrative violation specified in Points a, g, h and i Clause 3 Article 2 herein.

4. Captains of provincial border guard command centers, commanders of coastal guard fleets affiliated to the Border Guard Headquarters are entitled to:

- a) Issue warnings;
- b) Impose the maximum fine under provisions stated herein;

- c) Suspend violators' operation, licenses or certificates;
- d) Confiscate exhibits and equipment used for administrative violation commitment;
- dd) Impose remedial measures in case of the administrative violation specified in Points a, dd, g, h and i Clause 3 Article 2 herein.

**Article 40. Power to impose penalties of the coastguard**

1. Coastguard officers in the performance of their duties are entitled to:

- a) Issue warnings;
- b) Impose a maximum fine of VND 1,500,000 upon an individual and VND 3,000,000 upon an organization;

2. Coastguard team leaders are entitled to:

- a) Issue warnings;
- b) Impose a maximum fine of VND 5,000,000 upon an individual and VND 10,000,000 upon an organization;

3. Coastguard squad leaders and captains of coastguard stations are entitled to:

- a) Issue warnings;
- b) Impose a maximum fine of VND 10,000,000 upon an individual and VND 20,000,000 upon an organization;
- c) Impose remedial measures in case of the administrative violation specified in Point a Clause 3 Article 2 herein.

4. Commanders of coastguard platoons are entitled to:

- a) Issue warnings;
- b) Impose a maximum fine of VND 20,000,000 upon an individual and VND 40,000,000 upon an organization for committing a measurement-related violation; VND 25,000,000 upon an individual and VND 50,000,000 upon an organization for committing a product quality-related violation;
- c) Confiscate exhibits and equipment used for violation commitment whose value does not exceed the fine specified in Point b this Clause;

d) Impose remedial measures in case of the administrative violation specified in Points a, b, g, h and i Clause 3 Article 2 herein.

5. Commanders of coastguard fleets are entitled to:

a) Issue warnings;

b) Impose a maximum fine of VND 30,000,000 upon an individual and VND 60,000,000 upon an organization for committing a measurement-related violation; VND 45,000,000 upon an individual and VND 90,000,000 upon an organization for committing a product quality-related violation;

c) Confiscate exhibits and equipment used for violation commitment whose value does not exceed the fine specified in Point b this Clause;

d) Impose remedial measures in case of the administrative violation specified in Points a, b, g, h and i Clause 3 Article 2 herein.

6. Commander of Regional Coastguard is entitled to:

a) Issue warnings;

b) Impose a maximum fine of VND 50,000,000 upon an individual and VND 100,000,000 upon an organization for committing a measurement-related violation; VND 75,000,000 upon an individual and VND 150,000,000 upon an organization for committing a product quality-related violation;

c) Confiscate exhibits and equipment used for violation commitment whose value does not exceed the fine specified in Point b this Clause;

d) Impose remedial measures in case of the administrative violation specified in Points a, b, g, h and i Clause 3 Article 2 herein.

7. Commander of Coastguard Headquarters is entitled to:

a) Issue warnings;

b) Impose the maximum fines for corresponding fields under the provisions of Article 24 herein;

c) Suspend violators' operation, licenses or certificates;

d) Confiscate exhibits and equipment used for administrative violation commitment;

dd) Impose remedial measures in case of the administrative violation specified in Points a, b, g, h and i Clause 3 Article 2 herein.

**Article 41. Power to impose penalties of inspectors and entities responsible for conducting other inspections**

1. Inspectors and entities responsible for conducting other inspections in the performance of their duties are entitled to:

- a) Issue warnings;
- b) Impose a maximum fine of VND 500,000 upon an individual and VND 1,000,000 upon an organization;
- c) Confiscate exhibits and equipment used for violation commitment whose value does not exceed the fine specified in Point b this Clause;
- d) Impose remedial measures in case of the administrative violation specified in Point a Clause 3 Article 2 herein.

2. Chief Inspector of Provincial Departments, Directors of Provincial Food Safety and Hygiene Authorities, Directors of Provincial Crop Production and Plant Protection Authorities, Directors of Provincial Departments of Livestock Production and Veterinary Medicine, Directors of Provincial Departments of Fisheries, Directors of Provincial Farm Produce and Aquatic Product Quality Control Authorities and holders of equivalent positions are entitled to:

- a) Issue warnings;
- b) Impose a maximum fine of VND 50,000,000 upon an individual and VND 100,000,000 upon an organization;
- c) Suspend violators' operation, licenses or certificates;
- d) Confiscate exhibits and equipment used for violation commitment whose value does not exceed the fine specified in Point b this Clause;
- dd) Impose remedial measures in case of the administrative violation specified in Clause 3 Article 2 herein.

3. Chiefs of inspectorates of provincial authorities and other regulatory bodies have the power to impose penalties specified in Clause 2 this Article.

4. Chiefs of inspectorates of ministries are entitled to:

- a) Issue warnings;
- b) Impose a maximum fine of VND 70,000,000 upon an individual and VND 140,000,000 upon an organization for committing a measurement-related violation; VND 105,000,000 upon an



individual and VND 210,000,000 upon an organization for committing a product quality-related violation;

c) Suspend violators' operation, licenses or certificates;

d) Confiscate exhibits and equipment used for administrative violation commitment whose value does not exceed the fine specified in Point b this Clause;

dd) Impose remedial measures in case of the administrative violation specified in Clause 3 Article 2 herein.

5. Chief Inspectors of Ministries, ministerial agencies, Director of the Directorate for Standards, Metrology, and Quality, Director of Directorate of Fisheries, Director of Vietnam Environment Administration, Director of Vietnam Chemicals Agency, Director of Industrial Safety Techniques and Environment Agency; Director of Department of Animal Health, Director of Plant Protection Agency, Director of Crop Production Authority, Director of Department of Livestock production, Director of National Agro - Forestry - Fisheries Quality Assurance Department, Director of Agro - Forestry - Fishery processing and Salt Production Agency, Director of Drug Administration of Vietnam, Director of Health Environment Management Agency, Director of General Department of Preventive Medicine, Director of the Department food safety and hygiene and holders of equivalent positions are entitled to:

a) Issue warnings;

b) Impose the maximum fine under provisions stated herein;

c) Suspend violators' operation, licenses or certificates;

d) Confiscate exhibits and equipment used for administrative violation commitment;

dd) Impose remedial measures in case of the administrative violation specified in Clause 3 Article 2 herein.

**Article 42. Distribution of power of inspectors, entities responsible for conducting scientific and technological inspections, Chairpersons of People's Committees, the police, customs, market surveillance authorities, border guard, coastguard, inspectors and entities responsible for conducting other inspections**

1. Inspectors have the power to impose penalties and entities responsible for conducting scientific and technological inspections have the power to make reports, impose penalties and remedial measures for all administrative violations specified herein within the power stated in Article 34 herein and within the scope of their functions, tasks, and entitlements.

2. Chairpersons of People's Committees have the power to make reports, impose penalties and remedial measures for all administrative violations specified herein within the power stated in Article 35 herein and within the scope of their functions, tasks, and entitlements.

3. Police officers have the power to make reports, impose penalties and remedial measures for all administrative violations specified herein within the power stated in Article 36 herein and within the scope of their functions, tasks, and entitlements.

4. Customs officials specified in Article 37 herein have the power to make reports, impose penalties and remedial measures for violations against regulations on standards, measurement and quality of goods stated herein and found in the areas under their management that the Government's Decree on penalties for administrative violations against regulations on customs has not regulated.

5. Market surveillance officials have the power to make reports, impose penalties and remedial measures for administrative violations specified in Article 5, Article 6, Article 7, Article 9, Article 10, Article 14, Article 15, Article 16, Article 17, Article 18, Article 19, Article 20, Article 24, Article 27, Article 28, Article 29, Article 30, Article 31 and Article 32 herein within the power stipulated in Article 38 herein and the scope of their functions, tasks and entitlements.

6. Border guard officers have the power to make reports, impose penalties and remedial measures for administrative violations related to the sale specified in Article 5, Article 7, Article 9, Article 15, Article 16, Article 17, Article 18, Article 19, Article 20, Article 24, Article 27, Article 29, Article 30, Article 31 and Article 32 herein within the power stipulated in Article 39 herein and the scope of their functions, tasks and entitlements.

7. Coastguard officers have the power to make reports, impose penalties and remedial measures for administrative violations related to the sale specified in Article 5, Article 7, Article 9, Article 10, Article 14, Article 15, Article 16, Article 17, Article 18, Article 19, Article 20, Article 24, Article 27, Article 29, Article 30, Article 31 and Article 32 herein within the power stipulated in Article 40 herein and the scope of their functions, tasks and entitlements.

8. Inspectors and entities responsible for conducting other inspections have the power to make reports, impose penalties and remedial measures for administrative violations specified herein within the power stipulated in Article 41 herein and the scope of their functions, tasks and entitlements.

#### **Article 43. Entities having the power to make reports on administrative violations**

1. Holders of the positions mentioned in Article 34, Article 35, Article 36, Article 37, Article 38, Article 39, Article 40 and Article 41 herein and officials and public employees in the performance of their duties when detecting administrative violations against regulations on standards, measurement and quality of goods have the power to make reports on such administrative violations.

2. Chiefs of inspectorates of standards, measurement and quality of goods have the power to make reports on administrative violations and transfer the documents thereon to competent authorities for imposing penalties.

#### **Chapter IV**

## **IMPLEMENTATION PROVISIONS**

### **Article 44. Effect**

This Decree comes into force from December 15, 2017.

The Government's Decree No. 80/2013/ND-CP dated July 19, 2013 on penalties for administrative violations against regulations on standards, measurement and quality of goods shall be superseded by this Decree from the date of its entry into force.

### **Article 45. Transitional provisions**

Where the administrative violation against regulations on standards, measurement and quality of goods is committed before the effective date of this Decree and is detected or considered for settlement later, favorable provisions shall apply to the violating entity.

### **Article 46. Implementation**

1. The Minister of Science and Technology shall provide guidelines for and implement this Decree.
2. Ministers, heads of ministerial and governmental authorities, Chairpersons of People's Committees of provinces/central-affiliated cities and relevant authorities, organizations and individuals shall implement this Decree.

**ON BEHALF OF THE GOVERNMENT  
PRIME MINISTER**

**Nguyen Xuan Phuc**