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THE SOCIALIST REPUBLIC OF VIETNAM

Independence – Freedom – Happiness

Hanoi, December 11, 2017

DECREE

PENALTIES FOR ADMINISTRATIVE VIOLATIONS AGAINST REGULATIONS ON MARITIME

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

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

Pursuant to the Maritime Code of Vietnam dated November 25, 2015;

At the request of the Minister of Transport;

The Government promulgates a Decree providing for penalties for administrative violations against regulations on maritime.

Chapter I

GENERAL PROVISIONS

Article 1. Scope

1. This Decree deals with violations, penalties, fines, remedial measures; the power to record administrative violations and the power to impose penalties against administrative violations against regulations on maritime.

2. The administrative violations against regulations on maritime prescribed in this Decree consist of:

a) Violations against regulations on construction, management and operation of maritime infrastructure facilities;

b) Violations against regulations on construction, management and operation of inland container depots (ICDs);

c) Violations against regulations on management of ship operations at ports;

d) Violations against regulations on ship registration and seafarer assignment, certificates of competency for seafarers and seaman's discharge books;

- dd) Violations against regulations on maritime pilotage;
- e) Violations against regulations on provision of maritime transport services, multimodal transport services, auxiliary services for maritime transport and maritime safety services;
- g) Violations against regulations on eligibility requirements to be satisfied by ship building, modification and repair facilities and ship-breakers;
- h) Violations against regulations on container safety;
- i) Violations against regulations on maritime search and rescue; marine salvage and aids to navigation;
- k) Violations against regulations on training for seafarers;
- l) Violations against regulations on oil spill response, management, reception and treatment of ship-generated oily waste liquids in the port waters.

3. If the administrative violations prescribed in Points c, d, dd, e, i and l Clause 2 hereof are committed outside the port waters and are not prescribed in the Decree on penalties for administrative violations committed within the territorial waters, islands and continental shelf of the Socialist Republic of Vietnam, they shall be sanctioned in conformity with regulations herein.

4. Other administrative violations against regulations on maritime which are not prescribed in this Decree shall be sanctioned under the provisions of Government's decrees on penalties for administrative violations in relevant sectors. When discovering any administrative violations mentioned in this Clause, the officers having the power to impose administrative penalties prescribed in Articles 60, 61, 62 and 63 hereof are entitled to impose penalties within their competence.

5. Administrative violations against regulations on maritime shall be sanctioned under the provisions herein and relevant law regulations on actions against administrative violations.

Article 2. Regulated entities

1. Vietnamese organizations and individuals (hereinafter referred to as “entities”) committing administrative violations against regulations on maritime; the officers entitled to record administrative violations and the officers entitled to impose penalties for administrative violations against regulations on maritime.

2. Foreign entities committing violations within the internal waters, territorial waters, contiguous zone, exclusive economic zone and continental shelf of the Socialist Republic of Vietnam or on board Vietnamese-flagged ships shall be sanctioned under provisions herein and relevant regulations of the Vietnam law on actions against administrative violations, unless otherwise specified in international treaties to which the Socialist Republic of Vietnam is a signatory.

3. Based on the nature and severity of each of the administrative violations prescribed in Clause 2 Article 1 herein, the competent officers shall determine specific penalties for administrative violations imposed on organizations and individuals in accordance with applicable law regulations.

Article 3. Prescriptive periods for administrative violations punishable

The prescriptive period for imposition of penalties for administrative violations in the maritime sector is 01 years. The prescriptive period of imposition of penalties for administrative violations against regulations on construction of ports, ICDs, maritime structures and marine environment protection is 02 years.

Article 4. Penalties and remedial measures against administrative violations

1. Any organization or individual that commits an administrative violation against regulations on maritime must incur:

- a) A warning; or
- b) A fine.

2. The violating entity must, subject to the nature and severity of the administrative violation, also incur one or several additional penalties mentioned below:

- a) Suspend the license or practicing certificate for a fixed period of 01-24 months;
- b) Suspend the operation for fixed period of 01 - 24 months;
- c) Confiscate the exhibits and instrumentalities for committing administrative violations.

3. In addition to the penalties prescribed in Clause 1 and Clause 2 of this Article, organizations and individuals that commit violations against regulations on maritime are also liable to implement remedial measures specified in Chapter II herein.

4. With regard to administrative penalties imposed according to ship tonnage, the gross tonnage (GT) refers to the ship's volume measured by adopting the methods provided in the International Convention on Tonnage Measurement of Ships, 1969, and specified in the certificate issued by the ship classification agency.

If the GT value is not available in the ship certificate, it shall be converted as follows:

- a) Ocean-going ships and self-propelled inland waterway ships: 01 GT equals 1.5 deadweight tonnes;
- b) Barges: 01 GT equals 01 deadweight tonne;

c) Tugboats, pusher crafts and passenger ships (including seaplanes) and crane vessels: 01 horse power (HP, CV) is counted as 0.5 GT; 01 kW is counted as 0.7 GT; 01 tonne in a crane vessel's hoisting capacity is counted as 06 GT;

d) Passenger ships whose engine power is not specified: 01 passenger seat is counted as 0.67 GT; 01 berth is counted as 04 GT;

dd) The gross tonnage of all barges, towboats or tugboats in a fleet of tugboats, towboats or pusher boats shall total up that of the fleet;

e) For the conversion set forth in Points a, b, c, d and dd Clause 4 of this Article, the conversion method that results in the highest GT shall be adopted;

g) Unit of engine power: The unit of a ship's main engine power shall be HP, CV or KW. The tenths in the decimal expansion of 01 HP, 01 CV or 01 KW shall be rounded to 01 HP, 01 CV or 01 KW.

Article 5. Rules for determining fines

The fine for every administrative violation prescribed in Chapter III herein is imposed on an individual. The fine incurred by an organization is twice as much as that incurred by an individual for the same administrative violation.

Article 6. Impounding exhibits and instrumentalities of violations, licenses and practicing certificates

1. In cases when it deems necessary as prescribed in Clause 1 Article 125 of the Law on actions against administrative violations, the competent persons have the right to impound exhibits, instrumentalities, licenses or practicing certificates of committing the administrative violations prescribed in Clause 2 Article 7; Point b Clause 5 Article 14; Point a Clause 2, Point a Clause 4 and Clause 5 Article 17; Point b Clause 4 Article 20; Clause 2 Article 25; Point c Clause 3 Article 40; Points b, c Clause 4 Article 42; Point b Clause 5 Article 46 and Point b Clause 4 Article 47 herein.

2. In case where the license or practicing certificate of a violator is compulsorily suspended, it may be impounded to ensure the implementation of the decision on penalties. Impounding the license or practicing certificate before issuing the decision on penalties shall not influence the rights of the license or certificate holder.

3. The persons entitled to impose penalties as prescribed in Chapter III herein are allowed to impound the exhibits and instrumentalities of administrative violations. The competent person prescribed in Clause 4 Article 125 of the Law on actions against administrative violations must impound the exhibits and instrumentalities of an administrative violation immediately when being found if there are grounds to believe that they may be hid or destroyed.

4. Exhibits, instrumentalities, licenses or practicing certificates of an administrative violation shall be impounded in accordance with regulations herein, regulations of the Law on actions against administrative violations and relevant laws.

Chapter II

ADMINISTRATIVE VIOLATIONS, PENALTIES AND REMEDIAL MEASURES

Section 1. VIOLATIONS AGAINST REGULATIONS ON CONSTRUCTION, MANAGEMENT AND OPERATION OF MARITIME INFRASTRUCTURE FACILITIES

Article 7. Violations against regulations on announcement of the opening of a port, offshore oil port, quay or wharf

1. A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed for deliberate provision of false information in the application for announcement of the opening of a port, offshore oil port, quay or wharf.
2. A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for deliberate use of falsified or forged documents to apply for announcement of the opening of a port, offshore oil port, quay or wharf.

Article 8. Violations against regulations on naming and renaming of ports, offshore oil ports, wharves, quays, floating terminals and dedicated waters

1. A fine ranging from VND 30,000,000 to VND 50,000,000 shall be imposed for deliberately naming or renaming a port, offshore oil port, wharf, quay, floating terminal or dedicated waters or using a name other than the one announced by a competent authority.
2. Remedial measures: Enforced use of the name of a port, offshore oil port, wharf, quay, floating terminal or dedicated waters announced by a competent authority if the violation prescribed in Clause 1 of this Article is committed.

Article 9. Violations against regulations on subleasing of port and wharf infrastructure facilities

1. A fine ranging from VND 60,000,000 to VND 80,000,000 shall be imposed for subleasing of port or wharf infrastructure facilities without obtaining a written approval from the lessor.
2. A fine ranging from VND 80,000,000 to VND 100,000,000 shall be imposed upon the sublessee for subleasing of the leased port or wharf infrastructure facilities.
3. Remedial measures: Enforced transfer of illegal benefits, which have been obtained from the administrative violation prescribed in Clause 1 or Clause 2 of this Article, to state budget.

Article 10. Violations against regulations on assurance of maritime safety, security and order during the operation of a port

1. A warning shall be imposed for failure to comply with instructions given by a competent authority or officer when entering or leaving the port land area or boarding the ship.
2. A fine ranging from VND 500,000 to VND 1,000,000 shall be imposed for failure to obtain permission from a competent authority or officer when entering or leaving the port land area or boarding the ship.
3. A fine ranging from VND 1,000,000 to VND 3,000,000 shall be imposed for one of the following violations:
 - a) Committing violations against regulations on installation of warning signals so as to ensure the safe landing of ships;
 - b) Failure to employ skilled workers to moor or unmoor ships as prescribed;
 - c) Failure to provide the plan for operating the ship arriving at or leaving the port for the port authority as prescribed;
 - d) Causing obstruction to the landing or departure of ships or to other operations carried out at the port by letting objects on the wharf or encroaching the wharf's space.
4. A fine ranging from VND 3,000,000 to VND 5,000,000 shall be imposed for one of the following violations:
 - a) Employing a worker who does not have a license or practicing certificate as prescribed;
 - b) Failure to promptly inform the port authority of any incidents or accidents occurring within the port limit and relating maritime safety, maritime security and marine pollution as prescribed;
 - c) Failure to regularly provide data about the depth of the waters in front of the wharf for the port authority as prescribed;
 - d) Failure to conduct periodic survey in order to issue notices to mariners regarding the depth of waters in front of the wharf and other dedicated waters as prescribed;
 - dd) The lighting system installed at the wharf is failed or operated inconsistently with relevant technical regulations.
5. A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed for one of the following violations:
 - a) Operating the ship to enter or anchor at the port waters without obtaining permission from the port authority;

- b) Deliberately loading or unloading cargoes before procedures for the ship's arrival at the port are completed;
- c) Failure to provide sufficient and qualified fenders and bollards at the wharf to ensure the safe landing of ships;
- d) Failure to annually carry out procedures for endorsement to the certificate of compliance of port facility as prescribed, or failure to strictly implement the approved port facility security plan as prescribed;
- dd) Failure to provide or to timely and accurately provide information about maritime security for competent authorities; failure to organize maritime security drills or exercises as prescribed;
- e) Failure to adequately arrange port facility security officers as prescribed;
- g) Failure to comply with the plan for shifting of ships of the port authority or failure to ensure mandatory conditions when arranging quays or floating terminals for ships arriving or departing from the port;
- h) Failure to install lighting systems at quays or wharves as prescribed.

6. A fine ranging from VND 30,000,000 to VND 60,000,000 shall be imposed for one of the following violations:

- a) Operating the port inconsistently with the port usage announced by a competent authority;
- b) Giving permission to ships to dock at a wharf which is not yet granted license to operate;
- c) Failure to prepare a port facility security plan as prescribed;
- d) Failure to apply for inspection of quality of port facilities within the predetermined periods;
- dd) Failure to comply with relevant technical regulations on inspection of quality of port facilities.

7. Additional penalties: Suspend reception of ships operating on international voyages into the port for 01 – 03 months if any of the violation prescribed in Point d or Point e Clause 5 or Point c Clause 6 of this Article is committed.

Article 11. Violations against regulations on unloading, storing and handling cargoes

1. A fine ranging from VND 1,000,000 to VND 2,000,000 shall be imposed for unloading and storing cargoes inconsistently with applicable regulations.

2. A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed for loading cargoes on a wharf exceeding the permissible weight.

3. Remedial measures: Enforced removal of cargoes overloaded if the violation prescribed in Clause 2 of this Article is committed.

Article 12. Violations against regulations on assurance of maritime safety and environmental protection when construction or upgrade of ports or other structures and installations in the port waters

1. A fine ranging from VND 3,000,000 to VND 5,000,000 shall be imposed for constructions of works other than the case prescribed in Clause 5 of this Article without obtaining permission or written approval from a competent authority as prescribed.

2. A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed for one of the following violations:

a) Failure to equip life saving appliances or provision of unsuitable life saving appliances as prescribed;

b) Failure to inform the port authority of any other structures established within the port waters;

c) Establishment of aids to navigation which are inadequate, unsuitable, and not available or at indicated position where the construction is in progress;

d) Causing obstruction to operations of navigational channels because of anchoring construction vessels and other ships serving the construction works outside the permitted areas;

dd) Failure to record the dredging and discharge of dredged materials or failure to record the construction logbook as prescribed; failure to submit periodical reports to the port authority and the Vietnam Maritime Administration on the status and performance of dredging of navigational channels and dedicated waters in the port waters with re-use of dredged materials and without using state budget as prescribed;

e) Setting bottom gillnets or other means of fishery activities within the port waters or navigational channels without obtaining an approval from the port authority or off indicated positions or inconsistently with the approved time limits.

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

a) Failure to execute the construction work at the licensed site;

b) Failure to finish the construction work within the time limit specified in the construction license or written approval given by a competent authority as prescribed;

c) Failure to apply for an approval from the port authority before using specialized means and equipment for performing survey, dredging, installation of aids to navigation and other activities within the port waters;

- d) Failure to clear or remove obstructions upon the completion of construction works;
- dd) Failure to strictly implement the maritime safety plan approved by a competent authority;
- e) Creating obstructions within the port waters and territorial waters of Vietnam resulting in adverse influence on maritime operations;
- g) Installing dredging control systems of an unsuitable kind on vehicles used for transporting and discharging dredged materials in course of dredging or maintaining navigational channels or dedicated waters; using a dredging control system that fails to ensure mandatory technical specifications or that is not in operational readiness or in continuous and stable operation as prescribed;
- h) Failure to arrange qualified dredging supervisor and consultant to work on vehicles used for transporting dredged materials as prescribed.

4. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for one of the following violations:

- a) Failure to establish aids to navigation as prescribed;
- b) Failure to install dredging control systems on vehicles used for transporting and discharging dredged materials in course of dredging or maintaining navigational channels or dedicated waters;
- c) Failure to formulate a maritime safety plan or improper implementation of the one approved by a competent authority.

5. A fine ranging from VND 30,000,000 to VND 50,000,000 shall be imposed for executing the construction works requiring economic-technical report on construction or construction project before obtaining a license or written approval from a competent authority as prescribed.

6. A fine ranging from VND 60,000,000 to VND 80,000,000 shall be imposed for one of the following violations:

- a) Executing the construction works without obtaining permission from a competent authority and causing an accident;
- b) Failure to execute the construction works at the licensed site and causing an accident;
- c) Failure to formulate a maritime safety plan or improper implementation of the one approved by a competent authority and thus causing an accident.

7. Additional penalties: Suspend the construction or upgrade of the port facility, other structures or installation for a fixed period of 01 – 03 months if the violation prescribed in Point c Clause 6 of this Article is committed.

8. Remedial measures:

- a) Enforced provision of suitable life-saving appliances as prescribed if the violation prescribed in Point a Clause 2 of this Article is committed;
- b) Enforced establishment of adequate and suitable aids to navigation as prescribed if violation prescribed in Point c Clause 2 of this Article is committed;
- c) Enforced restoration of the initial state which has been altered due to one of the administrative violations prescribed in Points d, e Clause 2 and Point e Clause 3 of this Article;
- d) Enforced demolition of the illegally constructed structures or work items if the violation prescribed in Clause 1, Point a Clause 3, Clause 5 or Point a Clause 6 of this Article is committed;
- dd) Enforced guarantee of readiness, continuous and stable operation of dredging control systems installed on vehicles used for transporting and discharging dredged materials if the violation prescribed in Point g Clause 3 of this Article is committed;
- e) Enforced installation of dredging control systems on vehicles used for transporting and discharging dredged materials if the violation prescribed in Point b Clause 4 of this Article is committed;
- g) Enforced implementation of the maritime safety plan approved by a competent authority if the violation prescribed in Point c Clause 4 of this Article is committed.

Article 13. Violations against regulations on fire and explosion prevention at the port

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

- a) Failure to provide internal regulations, warning signs or precautions as prescribed by law at explosion and fire-prone places;
- b) Misuse of specialized firefighting equipment.

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

- a) Preparation of firefighting equipment which fails to meet technical requirements or is not in operational readiness or expires;
- b) Failure to arrange fire and explosion prevention and control equipment at the prescribed places or preparation of the ones which are not suitable for the cargoes transported or unloaded.

3. A fine ranging from VND 5,000,000 to VND 20,000,000 shall be imposed for one of the following violations:

- a) Failure to install enough fire and explosion prevention and control systems as prescribed;
- b) Failure to inform regulatory authorities in a timely manner of any fire and explosion emergencies;
- c) Using workers who are not provided with enough protective equipment or training courses in fire and explosion prevention and control as prescribed;
- d) Failure to have a fire protection plan approved by a competent authority.

Article 14. Violations against regulations on weights of vehicles operating within the port land area

1. A fine ranging from VND 2,000,000 to VND 3,000,000 shall be imposed for operating a vehicle whose GVW exceeds the capacity of the bridge or road by >10% - 20%, unless otherwise regulated.

2. A fine ranging from VND 3,000,000 to VND 5,000,000 shall be imposed for any of the following violations:

- a) Carrying goods exceeding the dimensional limit of the bridge or road;
- b) Operating a vehicle whose size exceeds the dimensional limit of the bridge or road;
- c) Operating a vehicle whose GVW or gross axle weight (including cargo and passengers thereof) exceeds the capacity of the bridge or road by >20% - 50%, unless otherwise regulated.

3. A fine ranging from VND 5,000,000 to VND 7,000,000 shall be imposed for operating a vehicle whose GVW or gross axle weight (including cargo and passengers thereof) exceeds the capacity of the bridge or road by >50% - 100%, unless otherwise regulated.

4. A fine ranging from VND 7,000,000 to VND 8,000,000 shall be imposed for operating a vehicle whose GVW or gross axle weight (including cargo and passengers thereof) exceeds the capacity of the bridge or road by >100% - 150%, unless otherwise regulated.

5. A fine ranging from VND 14,000,000 to VND 16,000,000 shall be imposed for any of the following violations:

- a) Operating a vehicle whose GVW or gross axle weight (including cargo and passengers thereof) exceeds the capacity of the bridge or road by more than 150%;
- b) Disobeying the order of weight or size inspection; transferring load or using other tricks to pass the inspection.

6. Additional penalties:

- a) Suspend the driving license (for cars, tractors, and car-like vehicles) or the certificate of training in traffic rules (for heavy-duty vehicles) for a fixed period of 01 – 03 months if any of the violations prescribed in Clause 2 and Clause 3 of this Article is committed;
- b) Suspend the driving license (for cars, tractors, and car-like vehicles) or the certificate of training in traffic rules (for heavy-duty vehicles) for a fixed period of 02 – 04 months if the violation prescribed in Clause 4 of this Article is committed;
- c) Suspend the driving license (for cars, tractors, and car-like vehicles) or the certificate of training in traffic rules (for heavy-duty vehicles) for a fixed period of 03 – 05 months if any of the violations prescribed in Clause 5 of this Article is committed.

7. Remedial measures:

- a) Enforced removal of the excess load as instructed by law enforcement officers where the violation is discovered if any of the violations prescribed in Clauses 1, 2, 3, 4 and 5 of this Article is committed;
- b) Enforced repair of damage caused by any of the violations prescribed in Clauses 1, 2, 3, 4 and 5 of this Article.

Article 15. Violations against regulations on verification of gross mass of containers used in international maritime transport

- 1. A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed for failure to weigh a container to verify its gross mass or failure to adopt the prescribed weighing method to weigh a container.
- 2. A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for failure to have the gross mass of a container verified or declaration of an inaccurate gross mass of a container.

Article 16. Violations against regulations on loading goods onto cars within the port land area

- 1. A fine ranging from VND 500,000 to VND 1,000,000 shall be imposed for one of the following violations:
 - a) Loading goods onto a car (including trailers and semi-trailers) beyond the maximum permissible payload written in the Certificate of technical and environmental safety by >10% - 50%;
 - b) Loading goods onto a car without certifying the loading on the transport order as prescribed.

2. A fine ranging from VND 1,000,000 to VND 2,000,000 shall be imposed for loading goods onto a car (including trailers and semi-trailers) beyond the maximum permissible payload written in the Certificate of technical and environmental safety by >50% - 100%.

3. A fine ranging from VND 3,000,000 to VND 4,000,000 shall be imposed for loading goods onto a car (including trailers and semi-trailers) beyond the maximum permissible payload written in the Certificate of technical and environmental safety by >more than 100%.

4. Remedial measures: Enforced removal of the excess cargo if the car has not left the loading area if any of the violations prescribed in Point a Clause 1, Clause 2 and Clause 3 of this Article is committed.

Article 17. Violations committed by operators of cars and car-like vehicles within the port land area

1. A fine ranging from VND 600,000 to VND 800,000 shall be imposed for operating a car or a car-like vehicle exceeding the speed limits by from 05 km/h to under 10 km/h.

2. A fine ranging from VND 2,000,000 to VND 3,000,000 shall be imposed upon operators of cars and car-like vehicles for any of the following violations:

a) Operating a car or a car-like vehicle under the influence of alcohol but BAC does not exceed 50 mg per 100 ml of blood or BrAC does not exceed 0.25 mg per liter of breath;

b) Operating a car or a car-like vehicle exceeding the speed limits by 10 km/h – 20 km/h.

3. A fine ranging from VND 5,000,000 to VND 6,000,000 shall be imposed for operating a car or a car-like vehicle exceeding the speed limits by >20 km/h to 35 km/h.

4. A fine ranging from VND 7,000,000 to VND 8,000,000 shall be imposed upon operators of cars and car-like vehicles for any of the following violations:

a) Operating a car or a car-like vehicle while BAC exceeds 50 mg – 80 mg per 100 ml of blood, or BrAC exceeds 0.25 mg – 0.4 mg per liter of breath;

b) Operating a car or a car-like vehicle exceeding the speed limits by more than 35 km/h.

5. A fine ranging from VND 16,000,000 to VND 18,000,000 shall be imposed for operating a car or a car-like vehicle while BAC exceeds 80 mg per 100 ml of blood, or BrAC exceeds 0.4 mg per liter of breath.

6. Additional penalties:

a) Suspend the driving license for a fixed period of 01 - 03 months if the violation prescribed in Point a Clause 2 or Clause 3 of this Article is committed;

b) Suspend the driving license for a fixed period of 02 - 04 months if the commitment of the violation prescribed in Point a Clause 2 of this Article causes a traffic accident or the violation prescribed in Point b Clause 4 of this Article is committed;

c) Suspend the driving license for a fixed period of 03 - 05 months if the violation prescribed in Point a Clause 4 of this Article is committed;

d) Suspend the driving license for a fixed period of 04 - 06 months if the violation prescribed in Clause 5 of this Article is committed.

Article 18. Violations against regulations on protection of marine environment while operating a port

1. A fine ranging from VND 15,000,000 to VND 20,000,000 shall be imposed for failure to properly implement the oil spill response plan approved by a competent authority as prescribed.

2. A fine ranging from VND 40,000,000 to VND 60,000,000 shall be imposed for failure to provide facilities and equipment for receiving garbage, wastewater and other hazardous liquid waste from ships as prescribed.

3. Remedial measures: Enforced implementation of the oil spill response plan approved by a competent authority in a proper manner if the violation prescribed in Clause 1 of this Article is committed.

Article 19. Violations against regulations on protection of maritime structures

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

a) Failure to remedy or repair damaged maritime structure in a timely manner as prescribed;

b) Failure to formulate a maritime structure protection plan as prescribed or failure to implement the approved one.

2. A fine ranging from VND 20,000,000 to VND 40,000,000 shall be imposed for one of the following violations:

a) Illegally building and operating a port facility or another maritime structure within the approved port planning area, the navigational channel limit or the safety perimeter of a maritime structure, or performing any construction works that damage or disable maritime structures;

b) Fishing or performing other aquaculture activities within the waters in front of a wharf, the dedicated waters, navigational channel limit, the safety corridor of a navigational channel and other areas in the safety perimeter of maritime structures;

c) Encroaching on the safety perimeter of maritime structures;

d) Performing other acts that obstruct the management, operation and protection of maritime structures.

3. A fine ranging from VND 40,000,000 to VND 60,000,000 shall be imposed for one of the following violations:

a) Destroying, damaging, dismantling or stealing parts, components and equipment of the maritime structure at a degree that does not cause the violator to face a criminal prosecution;

b) Damaging, destroying or deliberately moving or reducing the range of aids to navigations;

c) Operating a ship or other means of transport inconsistently with regulations and thus colliding or influencing the quality of maritime structures.

4. A fine ranging from VND 60,000,000 to VND 100,000,000 shall be imposed for one of the following violations:

a) Performing mining activities or using other explosives within the port limit, the port waters or navigational channel without obtaining permission from a competent authority;

b) Loading or storing flammables, explosives and/or hazardous substances which may corrode or damage maritime works without obtaining permission from a competent authority;

c) Illegally extracting minerals or performing dredging activities on navigational channels, within the safety perimeter of navigational channels or the port waters;

d) Discharging waste which damages or affects the durability and useful life of maritime structures;

dd) Illegally performing dredging activities on navigational channels, within the safety perimeter of navigational channels or the port waters, or performing dredging activities in contravention of technical requirements approved by the competent authority.

5. Remedial measures:

a) Enforced formulation of a marine structure protection plan or enforced implementation of the approved one if the violation prescribed in Point b Clause 1 of this Article is committed;

b) Enforced restoration of the initial state which has been altered due to any of the violations prescribed in Clauses 2, 3 and 4 of this Article.

Article 20. Violations against regulations on eligibility requirements for operating a port and certificate thereof

1. A fine ranging from VND 1,000,000 to VND 3,000,000 shall be imposed for buying, selling, leasing, borrowing or lending the certificate of eligibility to operate a port.

2. A fine ranging from VND 3,000,000 to VND 5,000,000 shall be imposed for operating a port against the certificate of eligibility granted by a competent authority.

3. A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed for one of the following violations:

a) Failure to prepare the occupational health and safety plan as prescribed;

b) Failure to meet fire prevention requirements or failure to prepare a firefighting plan as prescribed;

c) Failure to present environmental protection-related documents approved by competent authorities as prescribed;

d) Failure to ensure adequate facilities, warehouses, storage yards and other necessary equipment that meet the national technical regulations applicable to ports, or failure to enter into a warehouse or storage yard lease for at least 05 years in case where the port warehouse or storage yard is incapable;

dd) Failure to provide adequate facilities for receiving and recalling discarded products from ships for treatment as prescribed;

e) Failure to ensure the adequacy of human resources, systems, structures or equipment for management and treatment of waste generated within the port limit as prescribed;

g) Operating a port without obtaining a certificate of eligibility from a competent authority as prescribed.

4. A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for one of the following violations:

a) Falsifying contents of the certificate of eligibility to operate a port;

b) Deliberately using falsified or fraudulent documents to apply for the certificate of eligibility to operate a port.

5. Additional penalties:

a) Suspend the certificate of eligibility to operate a port for a fixed period of 01 - 03 months if the violation prescribed in Clause 2 of this Article is committed;

b) Confiscate the certificate of eligibility to operate a port if the violation prescribed in Point a Clause 4 of this Article is committed.

Article 21. Violations against regulations on listing of freights and surcharges of ocean container shipping services and seaport service charges

1. A fine ranging from VND 500,000 to VND 1,000,000 shall be imposed for one of the following violations:

a) Failure to publish the freights and surcharges of ocean container shipping services and seaport service charges on the website or at the head office of the service provider as prescribed;

b) Providing unclear information causing a misunderstanding of the listed freights and surcharges of ocean container shipping services and seaport service charges.

2. A fine ranging from VND 1,000,000 to VND 3,000,000 shall be imposed for the recommitment of the violation prescribed in Clause 1 of this Article.

Article 22. Violations against regulations on declaration of seaport service prices

1. A fine ranging from VND 1,000,000 to VND 3,000,000 shall be imposed for failure to provide sufficient information when being reminded or requested to supplement the declaration of seaport service prices in writing by the declaration-receiving authority.

2. A fine ranging from VND 3,000,000 to VND 5,000,000 shall be imposed for one of the following violations:

a) Failure to inform competent authorities in writing of increase or decrease in service prices in case where notification of service prices is compulsory as prescribed in the law on pricing;

b) Failure to charge the declared prices for the period of time as regulated by the law on pricing from the date on which the price declaration is submitted to the competent authority.

Article 23. Violations against regulations on seaport service prices

1. A fine ranging from VND 25,000,000 to VND 30,000,000 shall be imposed for charging a seaport service price that is not the registered price or not in the price bracket or higher than the maximum price or lower than the minimum price regulated by the Minister of Transport.

2. Remedial measures: Enforced return of the extra amounts due as a result of an overcharge and relevant expenses to customers if the violation as prescribed in Clause 1 of this Article is committed. Such amounts shall be transferred to state budget if it is difficult or unable to identify customers.

Section 2. VIOLATIONS AGAINST REGULATIONS ON CONSTRUCTION, MANAGEMENT AND OPERATION OF INLAND CONTAINER DEPOTS (ICDs)

Article 24. Violations against regulations on construction of ICDs

1. A fine ranging from VND 3,000,000 to VND 5,000,000 shall be imposed for construction of an ICD other than the case prescribed in Clause 3 of this Article without obtaining permission or written approval from a competent authority as prescribed.

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

- a) Failure to execute the construction works on the licensed site;
- b) Failure to finish the construction works within the time limit specified in the construction license or written approval given by a competent authority;
- c) Failure to clear and remove obstructions upon the completion of construction works;
- d) Failure to strictly implement the safety plan approved by a competent authority.

3. A fine ranging from VND 30,000,000 to VND 50,000,000 shall be imposed for executing the construction works that require economic-technical report on construction or construction project before obtaining a license or written approval from a competent authority as prescribed.

4. A fine ranging from VND 60,000,000 to VND 80,000,000 shall be imposed for one of the following violations:

- a) Executing the construction works without obtaining a license or written approval from a competent authority and causing an accident;
- b) Failure to execute the construction work at the licensed site and causing an accident;
- c) Failure to formulate a safety plan or improper implementation of the one approved by a competent authority and thus causing an accident;
- d) The infrastructure facilities of the constructed ICD fail to meet national technical regulations.

5. Remedial measures: Enforced demolition of the illegally constructed work items if any of the violations prescribed in Clause 1, Points a, b Clause 2, Clause 3 and Points a, b Clause 4 of this Article is committed.

Article 25. Violations against regulations on announcement of opening of an ICD

1. A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed for deliberate provision of false information in the application for announcement of the opening of an ICD.

2. A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for deliberate use of falsified or forged documents to apply for announcement of the opening of an ICD.

Article 26. Violations against regulations on naming and renaming of ICDs

1. A fine ranging from VND 30,000,000 to VND 50,000,000 shall be imposed for deliberate naming or renaming of an ICD which is other than the one announced by a competent authority.

2. Remedial measures: Enforced use of the name of the ICD which has been announced by a competent authority if the violation prescribed in Clause 1 of this Article is committed.

Article 27. Violations against regulations on subleasing of ICD infrastructure facilities

1. A fine ranging from VND 60,000,000 to VND 80,000,000 shall be imposed for subleasing of ICD infrastructure facilities without obtaining a written approval from the lessor.

2. A fine ranging from VND 80,000,000 to VND 100,000,000 shall be imposed upon the sublessee for subleasing of the leased ICD infrastructure facilities.

3. Remedial measures: Enforced transfer of illegal benefits, which have been obtained from the administrative violation prescribed in Clause 1 or Clause 2 of this Article, to state budget.

Article 28. Violations against regulations on assurance of safety, security, order and environmental pollution prevention during the operation of an ICD

1. A fine ranging from VND 3,000,000 to VND 5,000,000 shall be imposed for one of the following violations:

a) Employing a worker who does not have a license or practicing certificate as prescribed;

b) Failure to promptly inform competent authorities when discovering any signs of committing violations against regulations on security, public order, occupational safety, environmental protection, fire and explosion prevention.

2. A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed for failure to promulgate the ICD's internal regulations.

3. A fine ranging from VND 10,000,000 to VND 30,000,000 shall be imposed for one of the following violations:

a) Failure to provide facilities and equipment for waste collection, storage and treatment, or use of the ones that fail to meet relevant technical standards;

b) Failure to formulate an ICD operation plan that meets national defense and security, and environmental protection requirements as prescribed.

4. A fine ranging from VND 30,000,000 to VND 60,000,000 shall be imposed for failure to operate an ICD according to its functions which have been announced by a competent authority.

Article 29. Violations against regulations on loading, unloading and storing cargoes

A fine ranging from VND 1,000,000 to VND 2,000,000 shall be imposed for loading, unloading and storing cargoes inconsistently with applicable regulations.

Article 30. Violations against regulations on fire and explosion prevention at an ICD

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

a) Failure to provide internal regulations, warning signs or precautions at explosion or fire-prone places;

b) Misuse of specialized firefighting equipment.

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

a) Preparation of firefighting equipment which fails to meet technical requirements or is not in operational readiness or expires;

b) Failure to arrange fire and explosion prevention and control equipment at the prescribed places or preparation of the ones which are not suitable for the cargoes transported or unloaded.

3. A fine ranging from VND 5,000,000 to VND 20,000,000 shall be imposed for one of the following violations:

a) Failure to install enough fire and explosion prevention and control systems as prescribed;

b) Using workers who are not provided with enough protective equipment or training courses in fire and explosion prevention and control as prescribed;

c) Failure to have a fire protection plan approved by a competent authority.

4. A fine ranging from VND 10,000,000 to VND 30,000,000 shall be imposed for failure to implement an ICD operation plan that meets all fire and explosion prevention requirements as prescribed.

Section 3. VIOLATIONS AGAINST REGULATIONS ON MANAGEMENT OF SHIP OPERATIONS AT THE PORT

Article 31. Violations against regulations on procedures for ships' arrival or transit through the port

1. The following fines shall be imposed on ships arriving or transiting through the port for failure to provide the notice or the confirmation of arrival of vessel at the port (transit), or failure to provide such documents within the prescribed time limits; ships arriving at the expected position at the port or the pilotage area for entering or transiting through the port later than the date and time specified in the confirmation of arrival; ships arriving at the port without providing the ship's security notification to the port authority as regulated, or providing the ship's security notification to the port authority after the prescribed deadline:

- a) A fine ranging from VND 500,000 to VND 1,000,000 shall be imposed on a ship of below 200 GT;
- b) A fine ranging from VND 1,000,000 to VND 2,000,000 shall be imposed on a ship of 200 GT to less than 500 GT;
- c) A fine ranging from VND 2,000,000 to VND 5,000,000 shall be imposed on a ship of 500 GT to less than 3,000 GT;
- d) A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed on a ship of 3,000 GT and above.

2. The following fines shall be imposed on ships for failure to carry out mandatory procedures for arrival or transit through the port:

- a) A fine ranging from VND 1,000,000 to VND 5,000,000 shall be imposed on a ship of below 200 GT;
- b) A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed on a ship of 200 GT to less than 500 GT;
- c) A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed on a ship of 500 GT to less than 3,000 GT;
- d) A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed on a ship of 3,000 GT and above.

Article 32. Violations against regulations on procedures for ships' arrival, departure or transit through the port

- 1. A fine ranging from VND 1,000,000 to VND 3,000,000 shall be imposed for providing insufficient or false information in the notice or confirmation of ship's arrival at or departure from the port, the general declaration, the crew list or the passenger list.
- 2. A fine ranging from VND 3,000,000 to VND 5,000,000 shall be imposed for failure to complete the procedures for ship's arrival, departure or transit through the port by the prescribed deadline.
- 3. A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed for one of the following violations:
 - a) Lack of one of the mandatory documents which are required to be submitted when carrying out procedures for ship's arrival, departure or transit through the port;
 - b) Failure to provide or lack of any of the mandatory documents concerning dangerous goods carried on board the ship as regulated;

c) Failure to provide the original or certified true copy of the bank guarantee given by a credit institution or foreign bank's branch on payment of repatriation costs to seafarers as prescribed by law;

d) Failure to provide or provide insufficient information concerning arms, explosive materials or stowaways as prescribed by law.

4. A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for deliberately loading/ unloading goods or permitting seamen, passengers or other unauthorized persons to embark before completing entry procedures or to disembark after completing exit procedures as prescribed by law.

5. The following fines shall be imposed for failure to obtain the last port clearance certificate as prescribed by law or deliberately leaving the port before obtaining permission from a competent authority:

a) A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed on a ship of below 200 GT;

b) A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed on a ship of 200 GT to less than 500 GT;

c) A fine ranging from VND 20,000,000 to VND 40,000,000 shall be imposed on a ship of 500 GT to less than 3,000 GT;

d) A fine ranging from VND 40,000,000 to VND 80,000,000 shall be imposed on a ship of 3,000 GT and above.

6. A fine ranging from VND 80,000,000 to VND 100,000,000 shall be imposed on a foreign-flagged ship for carrying out of inland waterway transport and specific activities without obtaining permission from a competent authority as prescribed by law.

7. Additional penalties: Suspend the master's certificate of competency for a fixed period of 01 - 06 months if any of the violations prescribed in Clause 5 hereof is committed.

8. Remedial measures:

a) Enforced provision of additional and accurate information if the violation prescribed in Clause 1 hereof is committed;

b) Enforced payment of maritime fees and charges and relevant costs as prescribed by law if any of the violations prescribed in Clause 5 hereof is committed.

Article 33. Violations against regulations on safety, security, order and sanitation regarding the ship's operations

1. A warning or a fine ranging from VND 100,000 to VND 300,000 shall be imposed for swimming or disturbing the public order at the port limit.
2. A fine ranging from VND 1,000,000 to VND 2,000,000 shall be imposed for one of the following violations:
 - a) Sounding the alert or using electric loudspeakers for disseminating information in cases other than emergencies or urgent events as prescribed by law;
 - b) A foreign-flagged ship flying a ceremonial flag or burial flag or sounding the trumpet on the national celebrations of its flag state without giving an advance notice to the port authority;
 - c) Organizing swimming activities in the port waters without obtaining the approval from the port authority;
 - d) Failure to fly the signal flags as prescribed by law.
3. A fine ranging from VND 2,000,000 to VND 4,000,000 shall be imposed for one of the following violations:
 - a) Failure to raise or improper raising of the Flag of Vietnam;
 - b) Failure to record or inaccurately or inadequately recording of information in the ship's log-book, the engine-room log-book or other logbooks as prescribed by law.
4. A fine ranging from VND 4,000,000 to VND 6,000,000 shall be imposed for one of the following violations:
 - a) Letting equipment, the passenger's effects or the crew's effects at places other than the permitted one on the wharf;
 - b) Repairing, running engine or testing the alert or horn without obtaining permission from the port authority;
 - c) Failure to watch the VHF channel or using the VHF channel inconsistently with applicable regulations;
 - d) Carrying out the rat extermination or fumigation at places other than the prescribed one;
 - dd) Failure to equip rat guards as prescribed by law or equipping rat guards at places other than the prescribed one;
 - e) Using the ship's boats or buoys without obtaining permission from the port authority;
 - g) Failure to follow watch-keeping procedure;

- h) Failure to arrange or arrangement of ship security officers inconsistently with applicable regulations;
- i) Failure to maintain the current security of the ship as prescribed by law;
- k) Failure to maintain the 24/7 availability of the ship's security equipment as prescribed by law; failure to give notification conformable with the ship's security status;
- l) Failure to have ship security plans for passenger ships, cargo ships of 500 GT or above and mobile offshore drilling units flying the flag of Vietnam and engaging in international voyages;
- m) Letting the ship drag or pull anchor underwater while operating in channels, canals or the waters in front of the wharf.

5. A fine ranging from VND 8,000,000 to VND 10,000,000 shall be imposed for one of the following violations:

- a) Shifting the ship to or from the port or the wharf while the ship's master is absent from the bridge;
- b) Groping, diving or carrying out other underwater activities within the port waters without obtaining permission from the port authority, or carrying out such activities without giving warning signals as prescribed by law;
- c) Organizing sports competitions or other activities with the gathering of many vehicles at the port waters without obtaining permission from the port authority;
- d) Using or operating sport boats or tourist boats within the port waters without obtaining permission from the port authority;
- dd) Failure to use aids to navigation as regulated or use of unsuitable ones;
- e) Failure to specify name, call sign, IMO number, port of registry, draught marks of the ship as regulated;
- g) Failure to install or maintain the good technical status of the tracking device equipped on the high-speed craft, or failure to operate the tracking device equipped on the high-speed craft as prescribed by law.

6. A fine ranging from VND 10,000,000 to VND 15,000,000 shall be imposed for one of the following violations:

- a) Failure to give notification to the port authority of any maritime accidents or incidents caused by the ship, or committing other acts of violations against regulations on maritime accident reporting and investigation;

- b) Failure to fully equip navigational equipment on board the ship as regulated or use of navigational equipment which is damaged or not working;
- c) Failure to maintain contact with the port authority via a designated VHF channel or by other means of communications;
- d) Failure to maintain the operation of the Automatic Identification System (AIS) as prescribed by law;
- dd) Failure to maintain the operation of the Long-Range Identification and Tracking (LRIT) system as prescribed by law;
- e) Failure to maintain the operation of the Emergency Position Indicating Radio Beacon (EPIRB) and the Search and Rescue Transponder (SART) as prescribed by law; use of the EPIRB which is not working or giving information different from the registered one;
- g) Lack or failure to equip life-saving appliances, or arrangement or installation of life-saving appliances on board the ship inconsistently with applicable regulation, or failure to hold such life-saving appliances in operational readiness as prescribed;
- h) Failure to comply with applicable regulations while sailing, dodging and overtaking another ship on a navigational channel where the dodging and overtaking are banned;
- i) Operating the ship over the permitted speed limit in restricted speed zones;
- k) Operating the ship for sea trial without obtaining permission of the port authority;
- l) Failure to provide accurate information as specified in the ship's certificate of registry.

7. A fine ranging from VND 15,000,000 to VND 25,000,000 shall be imposed for one of the following violations:

- a) Causing a less serious maritime accident when shifting the ship to or from the port, wharf, floating terminal, or dedicated waters but the master is absent from the bridge or the ship fails to comply with regulations on sailing, dodging and overtaking on navigational channels;
- b) Sailing against the traffic flow of a one-way channel.

8. A fine ranging from VND 25,000,000 to VND 35,000,000 shall be imposed for causing a serious maritime accident when shifting the ship to or from the port, wharf, floating terminal, or dedicated waters but the master is absent from the bridge or the ship fails to comply with regulations on sailing, dodging and overtaking on navigational channels.

9. A fine ranging from VND 35,000,000 to VND 45,000,000 shall be imposed for causing a very serious maritime accident when shifting the ship to or from the port, wharf, floating terminal, or

dedicated waters but the master is absent from the bridge or the ship fails to comply with regulations on sailing, dodging and overtaking on navigational channels.

10. The following fines shall be imposed on ships for failure to operate within permissible waters:

- a) A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed on a ship of below 200 GT;
- b) A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed on a ship of 200 GT to less than 500 GT;
- c) A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed on a ship of 500 GT to less than 3,000 GT;
- d) A fine ranging from VND 30,000,000 to VND 40,000,000 shall be imposed on a ship of 3,000 GT and above.

11. A fine ranging from VND 40,000,000 to VND 60,000,000 shall be imposed for one of the following violations:

- a) Making a getaway after causing a maritime accident;
- b) Failure to provide or to sufficiently and accurately provide relevant materials and evidences at the request of competent authorities during the process of investigating maritime accidents.

12. Additional penalties:

- a) Suspend the master's certificate of competency for a fixed period of 01 - 03 months if any of the violations prescribed in Clause 7 of this Article is committed;
- b) Suspend the master's certificate of competency for a fixed period of 03 - 06 months if any of the violations prescribed in Clause 8 of this Article is committed;
- c) Suspend the master's certificate of competency for a fixed period of 06 - 12 months if the violation prescribed in Clause 9 or Point a Clause 11 of this Article is committed.

13. Remedial measures:

- a) Enforced moving of obstacles if the violation prescribed in Point a Clause 4 of this Article is committed;
- b) Enforced operation within the permissible areas in conformity with the ship class if the violation prescribed in Clause 10 of this Article is committed.

Article 34. Violations against regulations on fire and explosion prevention for ships

1. A fine ranging from VND 500,000 to VND 1,000,000 shall be imposed for smoking within prohibited areas or accidentally causing fire and explosion on board the ship.

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

a) Failure to provide warning signs or precautions as prescribed by law at explosion or fire-prone areas;

b) Failure to have the fire fighting plan, the muster list or operational instructions for firefighting at prescribed places on board the ship;

c) Failure to put fire extinguishing equipment at prescribed places on board the ship;

d) The crew members' failure to be familiar with the fire extinguishing equipment on board the ship;

dd) Use of fire extinguishing equipment on board the ship inconsistently with regulations;

e) Failure to comply with procedures for maintenance of fire and explosion prevention and control equipment.

3. A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed for one of the following violations:

a) Failure to have enough fire and explosion prevention and control equipment as prescribed or use of the damaged or expired ones;

b) Failure to prepare fire and explosion emergency response plan;

c) Performing spark-emitting works on the deck, in cargo holds or the engine room without obtaining permission from the port authority;

d) Use of specialized fire extinguishing equipment for wrong purposes;

dd) Failure to have fire extinguishing equipment or use of the one which is unsuitable or not working or expired.

4. A fine ranging from VND 10,000,000 to VND 30,000,000 shall be imposed for lately obeying or disobeying orders from the port authority for assisting in firefighting operations at the wharf or within the port waters.

Article 35. Violations against regulations on prevention of pollution of marine environment caused by ships

1. A fine ranging from VND 2,000,000 to VND 3,000,000 shall be imposed for one of the following violations:

a) Failure to carry equipment for storing and classifying garbage as prescribed by law or failure to store garbage at the prescribed place;

b) Removing rust, old paint and coatings from the ship without obtaining permission from the port authority.

2. A fine ranging from VND 3,000,000 to VND 5,000,000 shall be imposed for failure to designate or to designate a qualified person on duty to receive fuel.

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

a) Pumping or discharging garbage, ballast water or dirty water from the ship into the wharf or the port waters inconsistently with applicable regulations;

b) Carrying out the transfer of fuel between the ship and other vehicles without obtaining permission from the port authority;

c) Failure to have oily-water separating equipment as regulated or preparation of the damaged or malfunctioned one;

d) Failure to adhere to one of the technical safety procedures or rules for fuel transfer;

dd) Letting other ships come alongside while carrying out ship-to-ship transfer of fuel;

e) Operation of garbage or waste incinerator within the port limit or use of fuel oil with sulphur content in excess of the permissible Nox and SO₂ limits for operating the main engine or generator engine.

4. A fine ranging from VND 80,000,000 to VND 90,000,000 shall be imposed for failure to discharge dredged mud, sludge or other sediments into the prescribed places.

5. A fine ranging from VND 90,000,000 to VND 100,000,000 shall be imposed for failure to discharge dredged mud, sludge or other sediments into the prescribed places on navigational channels or within the waters in front of the wharf, or in anchorage, transshipment area, pilotage area or quarantine area.

6. Additional penalties:

a) Suspend the master's certificate of competency for a fixed period of 03 - 06 months if the violation prescribed in Clause 4 of this Article is committed;

b) Suspend the master's certificate of competency for a fixed period of 06 - 12 months if the violation prescribed in Clause 5 of this Article is committed.

7. Remedial measures: Enforced implementation of marine pollution control measures if the violation prescribed in Point a Clause 3, Clause 4 or Clause 5 of this Article is committed.

Article 36. Violations against regulations on safety of life at sea

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

a) Failure to prepare the muster list which must show duties to be carried out by key persons of the ship in an emergency, or preparation of a muster list not suitable for the ship's crew, or use of a damaged muster list;

b) Failure to provide operating instructions for life-saving appliances and damage control equipment on board the ship as prescribed, or provision of a damaged board of operating instructions;

c) Failure to have the muster list specifying duties of each crew member in case of emergency exhibited at conspicuous places on board the ship or preparation of a muster list which is not suitable for the ship's crew;

d) The crew members' failure to effectively use life-saving appliances and damage control equipment;

dd) The master's failure to organize life-saving and fire drills as prescribed by law.

2. A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed for one of the following violations:

a) Failure to mount and provide safety nets and adequate lighting for accommodation ladders and gangways as prescribed;

b) Use of life-saving appliances, damage control equipment, fire and explosion protection appliances inconsistently with applicable regulations.

3. A fine ranging from VND 10,000,000 to VND 15,000,000 shall be imposed on watchkeeping personnel for having BAC exceeding 50 mg per 100 ml of blood or BrAC exceeding 0.25 mg per liter of breath, or using other stimulants banned by law.

4. The following fines shall be imposed on the ship whose life-saving appliances are under and above manned as regulated in the minimum safe manning document:

a) A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed on a ship of below 200 GT;

b) A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed on a ship of 200 GT to less than 500 GT;

c) A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed on a ship of 500 GT to less than 3,000 GT;

d) A fine ranging from VND 30,000,000 to VND 40,000,000 shall be imposed on a ship of 3,000 GT and above.

5. The following penalties shall be imposed for the overloading of cargoes by a ship of below 200 GT:

a) A warning shall be imposed if the actual weight of cargoes carried on board the ship is less than 01% greater than the ship's permissible cargo-carrying capacity;

b) A fine ranging from VND 1,000,000 to VND 3,000,000 shall be imposed if the actual weight of cargoes carried on board the ship is 01% - 05% greater than the ship's permissible cargo-carrying capacity;

c) A fine ranging from VND 3,000,000 to VND 5,000,000 shall be imposed if the actual weight of cargoes carried on board the ship is 05% - 10% greater than the ship's permissible cargo-carrying capacity;

d) A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed if the actual weight of cargoes carried on board the ship is 10% and above greater than the ship's permissible cargo-carrying capacity.

6. The following penalties shall be imposed for the overloading of cargoes by a ship of 200 GT to less than 500 GT:

a) A warning shall be imposed if the actual weight of cargoes carried on board the ship is less than 01% greater than the ship's permissible cargo-carrying capacity;

b) A fine ranging from VND 3,000,000 to VND 5,000,000 shall be imposed if the actual weight of cargoes carried on board the ship is 01% - 05% greater than the ship's permissible cargo-carrying capacity;

c) A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed if the actual weight of cargoes carried on board the ship is 05% - 10% greater than the ship's permissible cargo-carrying capacity;

d) A fine ranging from VND 10,000,000 to VND 15,000,000 shall be imposed if the actual weight of cargoes carried on board the ship is 10% and above greater than the ship's permissible cargo-carrying capacity.

7. The following penalties shall be imposed for the overloading of cargoes by a ship of 500 GT to less than 3,000 GT:

a) A warning shall be imposed if the actual weight of cargoes carried on board the ship is less than 01% greater than the ship's permissible cargo-carrying capacity;

b) A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed if the actual weight of cargoes carried on board the ship is 01% - 05% greater than the ship's permissible cargo-carrying capacity;

c) A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed if the actual weight of cargoes carried on board the ship is 05% - 10% greater than the ship's permissible cargo-carrying capacity;

d) A fine ranging from VND 30,000,000 to VND 50,000,000 shall be imposed if the actual weight of cargoes carried on board the ship is 10% and above greater than the ship's permissible cargo-carrying capacity.

8. The following penalties shall be imposed for the overloading of cargoes by a ship of 3,000 GT and above:

a) A warning shall be imposed if the actual weight of cargoes carried on board the ship is less than 1% greater than the ship's permissible cargo-carrying capacity;

b) A fine ranging from VND 30,000,000 to VND 40,000,000 shall be imposed if the actual weight of cargoes carried on board the ship is 01% - 05% greater than the ship's permissible cargo-carrying capacity;

c) A fine ranging from VND 50,000,000 to VND 60,000,000 shall be imposed if the actual weight of cargoes carried on board the ship is 05% - 10% greater than the ship's permissible cargo-carrying capacity;

d) A fine ranging from VND 70,000,000 to VND 80,000,000 shall be imposed if the actual weight of cargoes carried on board the ship is 10% and above greater than the ship's permissible cargo-carrying capacity.

9. The following fines shall be imposed for the overloading of passengers by a ship of below 200 GT:

a) A fine ranging from VND 3,000,000 to VND 5,000,000 shall be imposed if the number of excess passengers is up to 5 persons;

b) A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed if the number of excess passengers is 6 – 10 persons;

c) A fine ranging from VND 10,000,000 to VND 15,000,000 shall be imposed if the number of excess passengers is 10 persons or more.

10. The following fines shall be imposed for the overloading of passengers by a ship of 200 GT to less than 500 GT:

a) A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed if the number of excess passengers is up to 05 persons;

b) A fine ranging from VND 10,000,000 to VND 15,000,000 shall be imposed if the number of excess passengers is 06 – 10 persons;

c) A fine ranging from VND 15,000,000 to VND 20,000,000 shall be imposed if the number of excess passengers is 10 persons or more.

11. The following fines shall be imposed for the overloading of passengers by a ship of 500 GT to less than 3,000 GT:

a) A fine ranging from VND 10,000,000 to VND 15,000,000 shall be imposed if the number of excess passengers is up to 10 persons;

b) A fine ranging from VND 15,000,000 to VND 20,000,000 shall be imposed if the number of excess passengers is 11 - 20 persons;

c) A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed if the number of excess passengers is 20 persons or more.

12. The following fines shall be imposed for the overloading of passengers by a ship of 3,000 GT and above:

a) A fine ranging from VND 20,000,000 to VND 40,000,000 shall be imposed if the number of excess passengers is up to 20 persons;

b) A fine ranging from VND 40,000,000 to VND 60,000,000 shall be imposed if the number of excess passengers is 21 - 30 persons;

c) A fine ranging from VND 60,000,000 to VND 80,000,000 shall be imposed if the number of excess passengers is 30 persons or more.

13. Additional penalties: Suspend the master's certificate of competency for a fixed period of 01 – 03 months if one of the violations prescribed in Points b, d Clause 7, Points b, d Clause 8, Clauses 9, 10, 11 and 12 of this Article is committed.

14. Remedial measures: Enforced disembarkation or unloading of excess passengers or cargoes if one of the violations prescribed in Clauses 5, 6, 7, 8, 9, 10, 11 and 12 of this Article is committed.

Article 37. Violations against regulations on anchoring, laying up, berthing, side-by-side mooring and towage within the port waters

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

- a) Anchoring, laying up, berthing, side-by-side mooring or carrying out similar activities within the port waters without the permission from the port authority as prescribed by law;
- b) Failure to provide adequate lighting, signals, navigational aids and warning signs as prescribed during the process of cargo handling or when the ship is anchored, berthed, moored side-by-side or shifted to another position;
- c) Failure to have fenders as prescribed;
- d) Failure to inform the port authority immediately when detecting any deviations from disposition of navigational aids, damage or loss of any navigational aids within the port waters and areas under the port authority's management.

2. A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed for one of the following violations:

- a) Failure to obey or to properly obey the shifting orders given by the port authority;
- b) Mooring the ship to the aids to navigation or other structures which are not dedicated for moorage.

3. The following fines shall be imposed for anchoring, doing cargo handling operations, embarking/ disembarking or rendering other maritime services at positions which are not permitted by the port authority:

- a) A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed on a ship of below 200 GT;
- b) A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed on a ship of 200 GT to less than 500 GT;
- c) A fine ranging from VND 20,000,000 to VND 40,000,000 shall be imposed on a ship of 500 GT to less than 3,000 GT;
- d) A fine ranging from VND 40,000,000 to VND 60,000,000 shall be imposed on a ship of 3,000 GT and above.

4. A fine ranging from VND 20,000,000 to VND 40,000,000 shall be imposed for failure to satisfy any lay-up requirements.

5. A fine ranging from VND 20,000,000 to VND 40,000,000 shall be imposed for operation of tugboats or auxiliary ships inconsistently with applicable regulations.

6. A fine ranging from VND 40,000,000 to VND 50,000,000 shall be imposed for failure to operate tugboats and auxiliary ships as prescribed by law.

7. Additional penalties: Suspend the master's certificate of competency for a fixed period of 01 – 03 months if one of the violations prescribed in Point a Clause 2, Clauses 3, 4, 5 and 6 of this Article is committed.

8. Remedial measures:

a) Enforced shifting of the ship to dedicated positions if the violation prescribed in Point b Clause 2 or Clause 3 of this Article is committed;

b) Enforced restoration of initial state of aids to navigation or structures which have been displaced or affected by the act of violation prescribed in Point b Clause 2 of this Article.

Article 38. Violations against regulations on lashing, securing and stowage of cargoes on board the ship

1. The following fines shall be imposed for lashing, securing and stowage of cargoes on board the ship inconsistently with applicable law regulations:

a) A fine ranging from VND 2,000,000 to VND 5,000,000 shall be imposed on a ship of below 200 GT;

b) A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed on a ship of 200 GT to less than 500 GT;

c) A fine ranging from VND 10,000,000 to VND 15,000,000 shall be imposed on a ship of 500 GT to less than 3,000 GT;

d) A fine ranging from VND 15,000,000 to VND 20,000,000 shall be imposed on a ship of 3,000 GT and above.

2. The following fines shall be imposed for deliberate stowage and securing of cargoes on board the ship after having completed all procedures for the ship's departure from the port:

a) A fine ranging from VND 5,000,000 to VND 7,000,000 shall be imposed on a ship of below 200 GT;

b) A fine ranging from VND 10,000,000 to VND 15,000,000 shall be imposed on a ship of 200 GT to less than 500 GT;

c) A fine ranging from VND 15,000,000 to VND 20,000,000 shall be imposed on a ship of 500 GT to less than 3,000 GT;

d) A fine ranging from VND 20,000,000 to VND 25,000,000 shall be imposed on a ship of 3,000 GT and above.

Article 39. Violations against regulations on carriage of oversized and overweight cargoes

1. A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed for transport of oversized (overweight) cargoes without having a safety control plan approved by a competent authority.

2. Additional penalties: Suspend the master's certificate or the master's certificate of competency for a fixed period of 01 - 03 months if the violation prescribed in Clause 1 of this Article is committed.

3. Remedial measures: Enforced adoption of safety control measures if the violation prescribed in Clause 1 of this Article is committed.

Section 4. VIOLATIONS AGAINST REGULATIONS ON SHIP REGISTRATION AND CREW DEPLOYMENT, CERTIFICATES OF COMPETENCY FOR SEAFARERS AND SEAMAN'S DISCHARGE BOOKS

Article 40. Violations against regulations on ship registration

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

- a) Failure to carry out procedures for ship registration within the prescribed time limit;
- b) Lack of any of mandatory certificates and documents of the ship or presentation of the expired one.

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

- a) Operation of the ship without obtaining the ship's certificate of registry;
- b) Failure to carry out procedures for registration of changes to the ship ownership as prescribed by law in case the ship is sold, purchased or in case of transfer of ownership;
- c) Failure to carry out procedures for registration of changes as prescribed by law in case there are changes in the ship's name, the ship owner's address, the ship's technical specifications or purposes, or the ship classification agency;
- d) Failure to carry out procedures for deregistration of ship as prescribed by law.

3. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for one of the following violations:

- a) Trading, leasing, lending, borrowing any ship's certificates;
- b) Using any certificate of another ship, or using the forged certificate or the certificate containing erased or altered contents;
- c) Deliberate provision of false information; deliberate submission of erased, altered or forged documents when applying for the ship's certificate.

4. The following fines shall be imposed for failure to have the shipowner's liability insurance certificate or the financial security certificate, or use of the expired ones, if the ship carries passengers, petroleum, petroleum products or other dangerous goods as regulated by law:

- a) A fine ranging from VND 15,000,000 to VND 30,000,000 shall be imposed on the ship carrying less than 50 passengers or the ship which carries petroleum, petroleum products or other dangerous goods, and has gross tonnage of below 200 GT;
- b) A fine ranging from VND 30,000,000 to VND 50,000,000 shall be imposed on the ship carrying 50 - 100 passengers or the ship which carries petroleum, petroleum products or other dangerous goods, and has gross tonnage of 200 GT to less than 500 GT;
- c) A fine ranging from VND 50,000,000 to VND 80,000,000 shall be imposed on the ship carrying 100 - 300 passengers or the ship which carries petroleum, petroleum products or other dangerous goods, and has gross tonnage of 500 GT to less than 3,000 GT;
- d) A fine ranging from VND 80,000,000 to VND 100,000,000 shall be imposed on the ship carrying 300 passengers or more, or the ship which carries petroleum, petroleum products or other dangerous goods, and has gross tonnage of 3,000 GT or above.

5. Additional penalties: Confiscate the exhibits and instrumentalities of the violation prescribed in Point b Clause 3 of this Article.

6. Remedial measures: Enforced completion of procedures for deregistration of ship as regulated by law if the violation prescribed in Point d Clause 2 of this Article is committed.

Article 41. Violations against regulations on service life of inland waterway ships arriving, departing and operating within the port waters

1. The following fines shall be imposed on operation of the ship reaching its end of service life:

- a) A fine ranging from VND 45,000,000 to VND 55,000,000 shall be imposed on ships carrying dangerous goods, oil tankers, LPG carriers or hovercrafts;

b) A fine ranging from VND 55,000,000 to VND 65,000,000 shall be imposed on the ship capable of carrying more than 12 persons other than overnight cruise ships, floating hotels, floating restaurants and hovercrafts;

c) A fine ranging from VND 65,000,000 to VND 75,000,000 shall be imposed on floating restaurants, floating hotels and overnight cruise ships.

2. Additional penalties: Suspend the master's certificate or the master's certificate of competency for a fixed period of 02 - 03 months if one of the violations prescribed in Clause 1 of this Article is committed.

Article 42. Violations against regulations on seafarer assignment, issuance and use of certificates of competency for seafarers and seaman's discharge books

1. A fine ranging from VND 1,000,000 to VND 5,000,000 shall be imposed for failure to record or to sufficiently record information in the seaman's discharge book; failure to provide or to sufficiently provide information on the seafarer management database of the Vietnam Maritime Administration as prescribed.

2. A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed for one of the following violations:

a) Assignment of a seafarer who does not have a practicing certificate or discharge book as required by law, or who uses the expired ones to work on board the ship; designation of a seafarer to the position which is not conformable with his practicing certificate;

b) Assigning duties to a seafarer not conformable with his position specified in the discharge book.

3. A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for selling, buying, leasing, renting or borrowing the seafarer's practicing certificate or discharge book.

4. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for one of the following violations:

a) Use of forged, erased or altered practicing certificate or discharge book;

b) Use of practicing certificate or discharge book of another person to work on board the ship;

c) Deliberate provision of false information or submission of altered, forged documents when applying for issuance or re-issuance of the seafarer's practicing certificate or discharge book.

5. Additional penalties:

a) Suspend the seafarer's practicing certificate for a fixed period of 06 - 12 months if the violation prescribed in Clause 3 of this Article is committed;

b) Confiscate the seafarer's practicing certificate or discharge book if the violation prescribed in Point a Clause 4 of this Article is committed.

Section 5. VIOLATIONS AGAINST REGULATIONS ON MARITIME PILOTAGE

Article 43. Violations against regulations on use of pilots on board ships

1. A fine ranging from VND 500,000 to VND 1,000,000 shall be imposed for failure to fly the signal flag or exhibit light signals as prescribed by law when the ship requires a pilot or has a pilot on board.

2. A fine ranging from VND 4,000,000 to VND 6,000,000 shall be imposed for one of the following violations:

- a) Failure to provide or provision of inaccurate information concerning the characteristics and maneuvering of the ship to maritime pilots;
- b) Failure to carry the pilot ladder, or provision of the pilot ladder which fails to meet safety requirements or is located at an unsuitable position, or failure to adopt other measures for ensure the safe embarkation and disembarkation of pilots;
- c) Suspension of pilotage service or request for pilot transfer without giving legitimate reasons;
- d) Failure to embark or disembark pilots at the prescribed pilot stations.

3. The following fines shall be imposed for failure to take a pilot on board as regulated when the ship enters, leaves and maneuvers within or from the port waters in a compulsory pilotage area:

- a) A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed on a ship of below 1,000 GT;
- b) A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed on a ship of 1,000 GT to less than 3,000 GT;
- c) A fine ranging from VND 30,000,000 to VND 40,000,000 shall be imposed on a ship of 3,000 GT or above.

Article 44. Violations against regulations on designation and arrangement of pilots

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

- a) Failure to daily give the pilotage plan by the prescribed times or to give notification of any unexpected changes to the pilotage plan to the port authority;

b) Failure to give a notification in advance to the port authority of any arrangements of pilots not conformable with the pilot arrangement plan of the port authority.

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

a) Arrangement of a pilot to work on board the ship inconsistent with his certificate of maritime pilotage competency or certificate of maritime pilotage area;

b) Failure to properly and timely render pilotage services in a compulsory pilotage area or on designated navigation routes without giving legitimate reasons.

3. A fine ranging from VND 20,000,000 to VND 40,000,000 shall be imposed for failure to provide or to appropriately provide boarding and landing equipment and facilities for pilots as regulated, or for provision of the ones failing to meet safety requirements.

4. A fine ranging from VND 30,000,000 to VND 50,000,000 shall be imposed for failure to provide adequate pilots or required facilities/equipment as regulated.

5. Additional penalties: Partially or wholly suspend the operation of pilotage service provider for a fixed period of 03 – 12 months if the violation prescribed in Clause 4 of this Article is committed.

Article 45. Violations against regulations on operations of a pilot being in pilotage charge of the ship

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

a) Failure to timely inform the port authority of any maritime accidents or incidents or changes to navigational channels or aids to navigation found in course of taking pilotage charge of the ship;

b) Failure to give notification or confirmation to the port authority of time and place of embarking and disembarking the ship or the pilotage status as regulated;

c) Failure to inform the port authority of the ship operating over the speed limit in a restricted speed zone or sailing against the traffic flow of a one-way channel or dodging and overtaking where dodging and overtaking are banned;

d) Failure to embark the ship by the prescribed time or failure to embark or disembark at prescribed places without giving legitimate reasons;

dd) Failure to guide the designated ship to enter or leave the port or maneuver according to the shifting plan of the port authority without giving legitimate reasons;

e) Leaving the ship without obtaining the master's consent;

g) Failure to wear maritime pilot uniforms as prescribed when taking the pilotage charge of the ship.

2. A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed upon the pilots for one of the following violations:

a) Piloting the ship to anchor or berth at the wharf or maneuver within the port waters without receiving the shifting order from the port authority or at a position of the port other than the one designated by the port authority;

b) Refusal to take pilotage charge of the ship without giving legitimate reasons of failure to timely inform the port authority or the maritime pilotage service provider of his refusal to take pilotage charge of the ship;

c) Failure to maneuver the ship on permitted navigational channels or lanes as announced;

d) Causing a less serious maritime accident because of the pilot's mistakes;

dd) Having BAC exceeding 50 mg per 100 ml of blood, or BrAC exceeding 0.25 mg per liter of breath, or using other stimulants banned by law when taking the pilotage charge of the ship.

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

a) Causing a serious maritime accident because of the pilot's mistakes;

b) Guiding the master to operate the ship exceeding the speed limits by 01 – 02 nautical miles/hour.

4. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed upon the pilots for one of the following violations:

a) Causing a very serious maritime accident because of the pilot's mistakes;

b) Guiding the master to operate the ship exceeding the speed limits by more than 02 nautical miles/ hour, or sail against the traffic flow of a one-way channel, or dodge and overtake where dodging and overtaking are banned.

5. Additional penalties:

a) Suspend the pilot's certificate of maritime pilotage competency for a fixed period of 03 - 06 months if any of the violation prescribed in Point a Clause 3 of this Article is committed;

b) Suspend the pilot's certificate of maritime pilotage competency for a fixed period of 06 - 12 months if any of the violation prescribed in Point a Clause 4 of this Article is committed.

Section 6. VIOLATIONS AGAINST REGULATIONS ON PROVISION OF MARITIME TRANSPORT SERVICES, MULTIMODAL TRANSPORT SERVICES, AUXILIARY SERVICES FOR MARITIME TRANSPORT AND MARITIME SAFETY SERVICES

Article 46. Violations against regulations on use of the license and certificate of eligibility to provide maritime transport services, multimodal transport services and auxiliary services for maritime transport

1. A fine ranging from VND 1,000,000 to VND 3,000,000 shall be imposed for buying, selling, leasing, borrowing, lending the license or certificate of eligibility to provide services classified as conditional business lines.
2. A fine ranging from VND 3,000,000 to VND 5,000,000 shall be imposed for one of the following violations:
 - a) The multimodal transport service provider's failure to comply with the license to provide multimodal transport services issued by a competent authority;
 - b) The maritime transport service provider's failure to comply with the certificate of eligibility issued by a competent authority.
3. A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed for one of the following violations:
 - a) Providing multimodal transport services without obtaining a license from a competent authority as prescribed;
 - b) Providing maritime transport services without obtaining a certificate of eligibility from a competent authority as prescribed;
 - c) Failure to satisfy mandatory requirements when providing maritime transport services, shipping agency services or towage services.
4. A fine ranging from VND 10,000,000 to VND 15,000,000 shall be imposed for failure to stop running business upon receipt of a competent authority's decision on suspension of business operations or the license or certificate of eligibility for business.
5. A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for one of the following violations:
 - a) Falsifying the license or certificate of eligibility to provide services classified as conditional business lines;
 - b) Deliberately using falsified or fraudulent documents to apply for the license or certificate of eligibility to provide services classified as conditional business lines.

6. Additional penalties:

- a) Suspend the license for a fixed period of 01 - 03 months if the violation prescribed in Point a Clause 2 of this Article is re-committed;
- b) Suspend the certificate of eligibility for a fixed period of 01 - 03 months if the violation prescribed in Point b Clause 2 of this Article is re-committed;
- c) Confiscate the license or certificate of eligibility if the violation prescribed in Point a Clause 5 of this Article is committed.

Article 47. Violations against regulations on use of the license and certificate of eligibility to provide maritime safety services

- 1. A fine ranging from VND 1,000,000 to VND 3,000,000 shall be imposed for buying, selling, leasing, borrowing or lending the license to import marine flares.
- 2. A fine ranging from VND 3,000,000 to VND 5,000,000 shall be imposed for importing marine flares inconsistently with the import license obtained from a competent authority.
- 3. A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed for one of the following violations:
 - a) Failure to have adequate and appropriate equipment as prescribed for a workshop for manufacturing and maintaining aids to navigation;
 - b) Failure to acquire specialized ships with appropriate features or failure to enter into a contract for hiring of specialized ships with appropriate features as prescribed to serve the installation, operation, maintenance, repair and continuous monitoring of operation of maritime signaling systems;
 - c) Failure to acquire specialized ships as prescribed or failure to enter into a contract for hiring of specialized ships as prescribed to perform survey activities for the purpose of serving the announcement of Notice to mariners;
 - d) Failure to acquire a specialized survey vessel to serve the survey, preparation and issuance nautical charts of the port waters, navigational channels and sea lanes as prescribed;
 - dd) Failure to build a specialized regulatory station as prescribed, or failure to provide appropriate personnel to operate the specialized regulatory station, or failure to acquire canoes with appropriate features, or failure to enter into a contract for hiring of canoes with appropriate features to serve the regulation of maritime safety assurance;
 - e) Failure to have appropriate facilities and equipment as prescribed to render the services of removal of obstructions to navigation and prevention of marine pollution;

g) Failure to have adequate and appropriate measurement, survey and topographic equipment as prescribed;

h) Failure to satisfy personnel requirements or failure to establish specialized divisions as prescribed when providing maritime safety services;

i) Importing marine flares without obtaining a license from a competent authority as prescribed;

4. A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for one of the following violations:

a) Falsifying any contents of the license to import marine flares;

b) Deliberately using falsified or fraudulent documents to apply for designation of ship navigation routes or the license to import marine flares.

5. Additional penalties:

a) Suspend the license to import marine flares for a fixed period of 01 - 03 months if the violation prescribed in Clause 2 of this Article is committed;

b) Confiscate the license to import marine flares if the violation prescribed in Point a Clause 4 of this Article is committed.

6. Remedial measures: Enforced removal from the Socialist Republic of Vietnam of imported marine flares if the violation prescribed in Clause 2 or in Point i Clause 3 of this Article is committed.

Article 48. Violations against regulations on responsibilities of ship owners, ship managers and operators towards the ship and seafarers

1. A fine ranging from VND 30,000,000 to VND 60,000,000 shall be imposed for one of the following violations:

a) Failure to arrange rest periods for seafarers working on board the ship as prescribed;

b) Failure to make arrangement for seafarers to take their minimum annual leave as prescribed;

c) Failure to make statement, statistical investigation and reporting on occupational accidents, injuries and diseases in the maritime sector as prescribed.

2. A fine ranging from VND 60,000,000 to VND 80,000,000 shall be imposed for one of the following violations:

a) Failure to supply proper food, water and other basic necessities to seafarers working on board the ship as prescribed;

b) Failure to pay the cost of repatriation of seafarers who are entitled to be repatriated as prescribed;

c) Failure to make co-payments and pay other medical costs which are not included in the list of costs covered by health insurance, including costs of medical treatment, surgery, hospitalization, medicines and other necessary medical supplies, costs of foods and accommodation of a seafarer for the period from the time when the seafarer receives first-aids until he recovers from illness or other medical conditions or he is determined to incur a chronic disease; failure to make full payment of wages as specified in the signed employment contract to the seafarer while he is undergoing medical treatment;

d) Failure to pay the cost of burial expenses in the case of death occurring on-board or ashore during the service period;

dd) Failure to buy mandatory insurance for seafarers working on board the ship as prescribed.

3. A fine ranging from VND 80,000,000 to VND 100,000,000 shall be imposed for failure to provide adequate supplies, fuels and other materials for maintaining the safe operation of the ship.

4. Additional penalties: Suspend business activities for a fixed period of 03 – 06 months if any of the violations prescribed in Clause 2 and Clause 3 of this Article is committed.

5. Remedial measures:

a) Enforced arrangement of rest periods and hours for seafarers as prescribed if the violation prescribed in Point a Clause 1 of this Article is committed;

b) Enforced supply of proper foods, water and other basic necessities to seafarers working on board the ship if the violation prescribed in Point a Clause 2 of this Article is committed;

c) Enforced payment of the cost of repatriation of seafarers who are entitled to be repatriated if the violation prescribed in Point b Clause 2 of this Article is committed;

d) Enforced fulfillment of the shipowner's responsibilities towards seafarers who suffer occupational accidents, injuries or diseases during the service period if the violation prescribed in Point c or Point d Clause 2 of this Article is committed;

dd) Enforced purchase of mandatory insurance for seafarers working on board the ship if the violation prescribed in Point dd Clause 2 of this Article is committed.

Section 7. VIOLATIONS AGAINST REGULATIONS ON ELIGIBILITY REQUIREMENTS TO BE SATISFIED BY SHIP BUILDING, MODIFICATION AND REPAIR FACILITIES AND SHIP-BREAKERS

Article 49. Violations against regulations on eligibility requirements to be satisfied by ship building and modification facilities

1. A fine ranging from VND 500,000 to VND 1,000,000 shall be imposed for one of the following violations:

- a) Type-1 shipbuilding facility's failure to establish and maintain the quality management system, the safety and environmental management system as prescribed;
- b) Type-2 shipbuilding facility's failure to establish ship building and modification procedures in conformity with the national technical regulation on classification and construction of seagoing ships.

2. A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed for one of the following violations:

- a) Failure to prepare the occupational health and safety plan as prescribed;
- b) Failure to meet fire prevention requirements or failure to prepare a firefighting plan as prescribed;
- c) Failure to present environmental protection-related documents approved by competent authorities as prescribed;
- d) Failure to provide facilities as prescribed or lack of any of mandatory equipment to serve the construction or repair of ships, or use of the ones failing to meet national technical regulations applicable to the ship building and repair facilities;
- dd) Failure to provide adequate facilities for receiving and recalling discarded products from ships for treatment as prescribed;
- e) Failure to ensure the adequacy of human resources, systems, structures or equipment for management and treatment of waste generated during the operation of the ship building and modification facilities as prescribed.

3. A fine ranging from VND 10,000,000 to VND 15,000,000 shall be imposed for lack of one technician or quality control inspector or shipbuilder as prescribed.

4. A fine ranging from VND 15,000,000 to VND 30,000,000 shall be imposed for lack of two technicians or quality control inspectors or shipbuilders or more as prescribed.

Article 50. Violations against regulations on eligibility requirements to be satisfied by a ship repair facility

1. A fine ranging from VND 500,000 to VND 1,000,000 shall be imposed for failure to establish ship repair procedures in conformity with the national technical regulation on classification and construction of seagoing ships.

2. A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed for one of the following violations:

a) Failure to prepare the occupational health and safety plan as prescribed;

b) Failure to meet fire prevention requirements or failure to prepare a firefighting plan as prescribed;

c) Failure to present environmental protection-related documents approved by competent authorities as prescribed;

d) Failure to provide facilities as prescribed or lack of any of mandatory equipment to serve the construction or repair of ships/ vessels, or use of the ones failing to meet national technical regulations applicable to the ship building and repair facilities;

dd) Failure to provide adequate facilities for receiving and recalling discarded products from ships for treatment as prescribed;

e) Failure to ensure the adequacy of human resources, systems, structures or equipment for management and treatment of waste generated during the operation of the ship repair facility as prescribed.

3. A fine ranging from VND 10,000,000 to VND 15,000,000 shall be imposed for lack of one technician or quality control inspector or ship repairer as prescribed.

4. A fine ranging from VND 15,000,000 to VND 30,000,000 shall be imposed for lack of two technicians or quality control inspectors or ship repairers or more as prescribed.

Article 51. Violations against regulations on shipbreaking

1. A fine ranging from VND 30,000,000 to VND 60,000,000 shall be imposed for failure to complete the shipbreaking task within the prescribed period of time.

2. A fine ranging from VND 60,000,000 to VND 80,000,000 shall be imposed for one of the following violations:

a) Failure to prepare the plan for collection, storage, transport and treatment of waste generated from the demolition of every ship, or failure to enter into a contract with a licensed waste treatment facility for collection, storage, transport and treatment of waste generated from the demolition of every ship;

- b) Failure to build a separate area for safe storage of waste generated from the ship demolition before treatment as prescribed by the law on environmental protection;
 - c) Failure to formulate the plan for response to environmental emergencies that arise during the shipbreaking process;
 - d) Carrying out shipbreaking activities before obtaining permission from a competent authority.
3. Additional penalties: Suspend operation of the violating facility for a fixed period of 03 – 06 months if it commits the violation prescribed in Clause 2 of this Article.

Section 8. VIOLATIONS AGAINST REGULATIONS ON CONTAINER SAFETY

Article 52. Violations against regulations on container safety

1. A fine ranging from VND 3,000,000 to VND 5,000,000 shall be imposed for one of the following violations:
- a) Failure to fit the container with the Safety Approval Plate (CSC Plate), or improperly fitting the CSC Plate or falsifying any contents shown on the CSC Plate;
 - b) Fitting the container with a CSC Plate with an unsuitable size or insufficient contents;
 - c) Failure to obtain a certificate of technical safety and quality for container from a competent authority as prescribed, or use of the expired one.
2. A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed for one of the following violations:
- a) Failure to apply for a periodic examination or inspection on the predetermined schedule;
 - b) Using a container which is damaged or presents safety risks.
3. Remedial measures: Suspend the operation of container for a fixed period of 02 – 06 months if one of the violations prescribed in Clause 1 and Clause 2 of this Article is committed.

Section 9. VIOLATIONS AGAINST REGULATIONS ON MARITIME SEARCH AND RESCUE; MARINE SALVAGE AND AIDS TO NAVIGATION

Article 53. Violations against regulations on maritime search and rescue

1. A fine ranging from VND 3,000,000 to VND 5,000,000 shall be imposed for one of the following violations:
- a) Sending distress signals while the ship and persons on-board are still in safe status without adopting measures for correction of such mistake;

b) Failure to timely provide accurate and sufficient information concerning the Cospas-Sarsat system to serve the performance of search and rescue tasks as prescribed;

c) Failure to participate in exercises/drills and implement the plan for cooperation between ships and search and rescue services as prescribed.

2. A fine ranging from VND 20,000,000 to VND 40,000,000 shall be imposed for one of the following violations:

a) Failure to discharge obligations according to applicable regulations on maritime search and rescue;

b) Delayed execution of dispatching or shifting orders made by competent authorities during the carrying out of search and rescue activities as regulated.

3. The following fines shall be imposed for failure to obey dispatching or shifting orders made by competent authorities during the carrying out of search and rescue activities as regulated:

a) A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed on a ship of below 200 GT;

b) A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed on a ship of 200 GT to less than 500 GT;

c) A fine ranging from VND 20,000,000 to VND 40,000,000 shall be imposed on a ship of 500 GT to less than 3,000 GT;

d) A fine ranging from VND 40,000,000 to VND 80,000,000 shall be imposed on a ship of 3,000 GT and above.

4. Additional penalties: Suspend the master's certificate of competency for a fixed period of 03 - 06 months if the violation prescribed in Point a Clause 2 or one of the violations prescribed in Clause 3 of this Article is committed.

Article 54. Violations against regulations on salvage of property sunk in the port waters

1. A fine ranging from VND 3,000,000 to VND 5,000,000 shall be imposed for failure to provide information, notifications and reports on property sunken in the port waters, or providing the ones inconsistently with applicable regulations.

2. A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed for failure to prepare or submit the salvage plan within the prescribed period of time.

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

- a) Failure to install or delayed installation of warning signs conformable with the location of sunken property;
- b) Failure to complete the salvage of sunken property within the prescribed time limit;
- c) Carrying out the salvage of sunken property without obtaining a written permission from a competent authority;
- d) Failure to transfer or partial transfer of property salvaged by chance to competent authorities;
- dd) Failure to pay the cost of salvage of sunken property as prescribed;
- e) Failure to strictly implement the exploring and salvage plan, which has been approved by a competent authority, while salvaging the sunken property.

4. A fine ranging from VND 20,000,000 to VND 50,000,000 shall be imposed for failure to salvage level-1 sunken property.

5. A fine ranging from VND 70,000,000 to VND 100,000,000 shall be imposed for failure to salvage level-2 sunken property.

6. Additional penalties:

- a) Confiscate the exhibits and instrumentalities of the administrative violation prescribed in Point c Clause 3 of this Article;
- b) Suspend the exploration and salvage services of sunken property for a fixed period of 01 – 03 months if any of the violation prescribed in Point e Clause 3 of this Article is committed.

7. Remedial measures: Enforced payment of salvage costs in full if the violation prescribed in Point dd Clause 3, Clause 4 or Clause 5 of this Article is committed.

Article 55. Violations against regulations on aids to navigation and navigational channels

1. A fine ranging from VND 2,000,000 to VND 5,000,000 shall be imposed for any acts of hiding, interfering or reducing the range of aids to navigation.

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

- a) Installing aids to navigation inconsistently with regulations;
- b) Failure to install or to punctually install aids to navigation when there are obstructions causing hidden danger to the safety of navigation;
- c) Failure to repair or restore aids to navigation damaged or drifted;

- d) Causing damage to or dislocating aids to navigation;
- dd) Causing aids to navigation out of operation or changing their characteristics;
- e) Establishing aids to navigation inconsistently with applicable regulations;
- g) Failure to provide information about the operation of aids to navigation on the published Notice to mariners as prescribed.

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

- a) Deliberately moving aids to navigation from their initial positions without obtaining permission or approval from a competent authority;
- b) Repairing or substitution of aids to navigation inconsistently with the approved design unless they are repaired or replaced to cope with emergencies;
- c) Failure to keep technical designs of aids to navigation or navigational channels at the entity in charge of managing and operating such aids to navigation or navigational channels.

4. Remedial measures: Enforced restoration of aids to navigation to their initial state if the violation prescribed in Clause 1, Point d or Point dd Clause 2 or Point a Clause 3 of this Article is committed.

Section 10. VIOLATIONS AGAINST REGULATIONS ON TRAINING FOR SEAFARERS

Article 56. Violations against regulations on training for seafarers

1. A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed for refusal to accept receive and facilitate seafarers training on board the ship as prescribed.

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

- a) Failure to comply with enrolment regulations;
- b) Failure to comply with training and drilling contents and curriculums according to the framework program approved by a competent authority;
- c) Failure to use the prescribed teaching textbooks and practice materials;
- d) Failure to provide sufficient training and drilling equipment and facilities as prescribed or provision of the ones failing to meet applicable technical regulations;

dd) Failure to adhere to testing and examination regulations;

e) Failure to provide training at the location approved by a competent authority.

3. A fine ranging from VND 15,000,000 to VND 30,000,000 shall be imposed for one of the following violations:

a) Lack of 01 lecturer or instructor, or employment of a lecturer or instructor who fails to possess a Certificate of Instructor or other documents of equivalent validity as prescribed;

b) Maintaining the ratio of learners/lecturers or instructors exceeding the permitted ratio by up to 20%.

4. A fine ranging from VND 30,000,000 to VND 50,000,000 shall be imposed for one of the following violations:

a) Lack of 02 lecturers/instructors or more, or employment of 02 lecturers/ instructors who fail to possess a Certificate of Instructor or other documents of equivalent validity or more as prescribed;

b) Maintaining the ratio of learners/lecturers or instructors exceeding the permitted ratio by more than 20%.

5. Additional penalties: Suspend the operation of the violating training provider for a fixed period of 03 – 06 months if one of the violations prescribed in Clause 2, Clause 3 and Clause 4 of this Article is committed.

Section 11. VIOLATIONS AGAINST REGULATIONS ON OIL SPILL RESPONSE, MANAGEMENT, RECEPTION AND TREATMENT OF SHIP-GENERATED OILY WASTE LIQUIDS IN THE PORT WATERS

Article 57. Violations against regulations on oil spill response

1. A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for failure to properly implement the oil spill response plan, the plan for response to incidents of chemical pollution or the plan for oil transfer operations between ships at sea as prescribed.

2. A fine ranging from VND 20,000,000 to VND 40,000,000 shall be imposed for failure to prepare oil spill response resources as prescribed.

Article 58. Violations against regulations on management, reception and treatment of ship-generated oily waste liquids in the port waters

1. A fine ranging from VND 3,000,000 to VND 5,000,000 shall be imposed for failure to submit reports on transfer, reception and treatment of oily waste liquids to competent authorities as prescribed.

2. A fine ranging from VND 5,000,000 to VND 8,000,000 shall be imposed for failure to declare or submission of a declaration containing inaccurate information about the volume of oily waste water on board the ship when it arrives at the port to the port authority.
3. A fine ranging from VND 8,000,000 to VND 10,000,000 shall be imposed for failure to have a plan for oily waste liquid transfer approved by the port authority when receiving and treating oily waste liquids from ships.
4. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for failure to prepare and install equipment or facilities for reception and treatment of oily waste liquids at the port or wharf, or failure to present the list of providers of oily waste liquid reception and treatment services provided by the port authority as prescribed.
5. A fine ranging from VND 30,000,000 to VND 40,000,000 shall be imposed for transfer of oily waste liquids from a ship to receiving facility without obtaining an approval from the port authority.
6. A fine ranging from VND 40,000,000 to VND 50,000,000 shall be imposed for failure to have a valid license when providing oily waste liquid reception and treatment services.

Chapter III

POWER TO RECORD ADMINISTRATIVE VIOLATIONS AND IMPOSE PENALTIES

Section 1. POWER TO RECORD ADMINISTRATIVE VIOLATIONS

Article 59. Power to record administrative violations

The persons authorized to impose administrative violations prescribed in Articles 60, 61, 62, 63, 64, 65 and 66 herein and officials/ public employees under the management of these persons must promptly take actions to prevent and record administrative violations against regulations on maritime detected when they are on duty as prescribed. The master of the ship, or a person authorized by him, is responsible for recording any violations committed on board the ship and reporting them to the officer competent to impose administrative penalties when the ship arrives at the port.

Section 2. POWER TO IMPOSE ADMINISTRATIVE PENALTIES

Article 60. Power to impose penalties of inspectors

1. Inspectors working at the Inspectorate of Ministry of Transport, specialized maritime inspectors or the persons who are assigned to conduct inspections in maritime sector shall have the power to:

- a) Issue warning;

b) Impose a fine up to VND 500,000;

c) Confiscate the exhibit and instrumentality of administrative violation worth up to VND 500,000;

d) Enforce the remedial measures mentioned in Points a, c and dd Clause 1 Article 28 of the Law on actions against administrative violations.

2. The Chief Inspector of Vietnam Maritime Administration and heads of specialized inspection teams established by the Vietnam Maritime Administration shall have the power to:

a) Issue warning;

b) Impose a fine up to VND 50,000,000;

c) Suspend license or practicing certificate or suspend operations for fixed period;

d) Confiscate the exhibit and instrumentality of administrative violation worth up to VND 50,000,000;

dd) Enforce the remedial measures mentioned in Clause 1 Article 28 of the Law on actions against administrative violations and the remedial measures mentioned in Chapter II herein.

3. Heads of specialized inspection teams established by Ministry of Transport shall have the power to:

a) Issue warning;

b) Impose a fine up to VND 70,000,000;

c) Suspend license or practicing certificate or suspend operations for fixed period;

d) Confiscate the exhibit and instrumentality of administrative violation worth up to VND 70,000,000;

dd) Enforce the remedial measures mentioned in Clause 1 Article 28 of the Law on actions against administrative violations and the remedial measures mentioned in Chapter II herein.

4. Chief Inspector of the Ministry of Transport shall have the power to:

a) Issue warning;

b) Impose a fine up to VND 100,000,000;

c) Suspend license or practicing certificate or suspend operations for fixed period;

d) Confiscate the exhibits and instrumentalities of administrative violations;

dd) Enforce the remedial measures mentioned in Clause 1 Article 28 of the Law on actions against administrative violations and the remedial measures mentioned in Chapter II herein.

Article 61. Power to impose penalties of port authorities

1. Chief Commissioners representing port authorities shall have the power to:

a) Issue warning;

b) Impose a fine up to VND 10,000,000;

c) Confiscate the exhibit and instrumentality of administrative violation worth up to VND 10,000,000;

2. Directors of port authorities, heads of specialized inspection teams established by port authorities shall have the power to:

a) Issue warning;

b) Impose a fine up to VND 25,000,000;

c) Suspend license or practicing certificate or suspend operations for fixed period;

d) Confiscate the exhibit and instrumentality of administrative violation worth up to VND 25,000,000;

dd) Enforce the remedial measures mentioned in Points a, b, c, dd, i and k Clause 1 Article 28 of the Law on actions against administrative violations and the remedial measures mentioned in Chapter II herein.

Article 62. Power to impose penalties of Director of Vietnam Maritime Administration

The Director of Vietnam Maritime Administration shall have the power to:

1. Issue warning;

2. Impose a fine up to VND 100,000,000;

3. Suspend licenses or practicing certificates or suspend operations for a fixed period;

4. Confiscate the exhibits and instrumentalities for committing administrative violations;

5. Enforce the remedial measures mentioned in Clause 1 Article 28 of the Law on actions against administrative violations and the remedial measures mentioned in Chapter II herein.

Article 63. Power to impose penalties of Chairpersons of Provincial-level People's Committees

Chairpersons of Provincial-level People's Committees shall have the power to:

1. Issue warning;
2. Impose a fine up to VND 100,000,000;
3. Suspend licenses or practicing certificates or suspend operations for a fixed period;
4. Confiscate the exhibits and instrumentalities for committing administrative violations;
5. Enforce the remedial measures mentioned in Clause 1 Article 28 of the Law on actions against administrative violations and the remedial measures mentioned in Chapter II herein.

Article 64. Power to impose penalties of people's police forces

1. People's police forces shall have the power to impose penalties for administrative violations in their managing sectors as prescribed in Point d and Point e Clause 2 Article 12, Articles 13, 18, 28, 30, Clause 1, Clause 2, Point a Clause 3, Clause 10 Article 33, Point a Clause 3, Clause 4 and Clause 5 Article 35 herein.
2. Maximum fines imposed by and power to impose penalties of people's police forces shall follow regulations in Point dd Clause 1 Article 24 and Article 39 of the Law on actions against administrative violations.

Article 65. Power to impose penalties of border guard forces

1. Border guard forces shall have the power to impose penalties for administrative violations discovered out of the port waters in their managing sectors as prescribed in Clauses 3, 4 Articles 19, Clauses 1, 2, Point a Clause 3, Point e Clause 5 and Clause 10 Article 33, Articles 34, 35, 36, 37, 40 and 42 herein.
2. Maximum fines imposed by and power to impose penalties of border guard forces shall follow regulations in Point dd Clause 1 Article 24 and Article 40 of the Law on actions against administrative violations.

Article 66. Power to impose penalties of marine police forces

1. Marine police forces shall have the power to impose penalties for administrative violations discovered out of the port waters in their managing sectors as prescribed in Clause 4, Point e Clause 5 and Clause 6 Article 33, Articles 34, 35, 36, 37, 40 and 42 herein.

2. Maximum fines imposed by and power to impose penalties of marine police forces shall follow regulations in Point dd Clause 1 Article 24 and Article 41 of the Law on actions against administrative violations.

Chapter IV

IMPLEMENTATION PROVISIONS

Article 67. Guidelines for collection, transfer, management and use of illegal benefits paid by violating entities

The Ministry of Finance shall take charge and cooperate with the Ministry of Transport to provide guidelines for collection, transfer, management and use of illegal benefits paid by the entities committing administrative violations prescribed herein.

Article 68. Transition

The administrative violations that are committed before the date of entry into force of this Decree but discovered afterwards or still in consideration, the regulations that are advantageous to the violators shall apply.

Article 69. Entry into force

This Decree comes into force from February 01, 2018 and supersedes the Government's Decree No. 93/2013/ND-CP dated August 20, 2013.

Article 70. Implementation

1. Minister of Transport shall organize and instruct the implementation of this Decree.
2. Ministers, heads of ministerial-level agencies, heads of the Government's affiliates, Chairpersons of People's Committees of Central-affiliated Cities or Provinces shall be responsible for implementing this Decree./.

**ON BEHALF OF THE
GOVERNMENT
PRIME MINISTER**

Nguyen Xuan Phuc