

**THE GOVERNMENT**

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No. 28/2017/ND-CP

**SOCIALIST REPUBLIC OF VIET NAM**

**Independence - Freedom – Happiness**

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*Hanoi, March 20, 2017*

**DECREE**

AMENDMENTS TO THE GOVERNMENT'S DECREE NO. 131/2013/ND-CP DATED OCTOBER 16, 2013 ON PENALTIES FOR ADMINISTRATIVE VIOLATIONS AGAINST COPYRIGHTS AND RELATED RIGHTS AND THE GOVERNMENT'S DECREE NO. 158/2013/ND-CP DATED NOVEMBER 12, 2013 ON PENALTIES FOR ADMINISTRATIVE VIOLATIONS AGAINST REGULATIONS ON CULTURE, SPORTS, TOURISM, AND ADVERTISING

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

*Pursuant to the Law on Penalties for administrative violations dated June 20, 2012;*

*At the proposal of the Minister of Culture, Sports and Tourism;*

*The Government promulgates a Decree on amendments to the Government's Decree No. 131/2013/ND-CP dated October 16, 2013 on penalties for administrative violations against copyrights and related rights and the Government's Decree No. 158/2013/ND-CP dated November 12, 2013 on penalties for administrative violations against regulations on culture, sports, tourism, and advertisement.*

**Article 1. Amendments to the Government's Decree No. 131/2013/ND-CP dated October 16, 2013 on penalties for administrative violations against copyrights and related rights**

1. Clause 2 Article 16 shall be amended as follows:

“2. Remedial measures:

a) Enforced re-export of material evidence in case of the violation specified in Clause 1 of this Article. In case of failure to enforce re-export of material evidence, the enforced destruction of material evidence shall apply.”

2. Clause 4 Article 20 shall be amended as follows:

“4. Remedial measures:

a) Enforced destruction of material evidence in case of violation specified in Clause 2 of this Article;

b) Enforced re-export of material evidence in case of the act of import specified in Clause 3 of this Article. In case of failure to enforce re-export of material evidence, the enforced destruction of material evidence shall apply.”

3. Clause 6 Article 35 shall be amended as follows:

“6. Remedial measures:

a) Enforced destruction of material evidence in case of violation specified in Clause 2 and Clause 5 of this Article;

b) Enforced re-export of material evidence in case of the act of import specified in Clause 3 and Clause 4 of this Article. In case of failure to enforce re-export of material evidence, the enforced destruction of material evidence shall apply.”

4. Article 38 shall be amended as follows:

**“Article 38. The power to impose penalties for administrative violations of Inspectorate**

1. Inspectors and persons authorized to perform specialized inspection tasks on their duties are entitled to:

a) Impose a fine of up to VND 500.000;

b) Confiscate exhibits of administrative violations whose value does not exceed the fine specified in point a of this Clause;

c) Enforce remedial measures specified in point dd Clause 1 Article 28 of the Law on Actions against administrative violations.

2. The Chief Inspectors at Department level, chiefs of specialized inspectorate teams at Department level, the Chief Inspector of Aviation Department, the Chief Inspector of Maritime Administration are entitled to:

a) Impose a fine of up to VND 50.000.000;

b) Suspend violators’ practice certificates with a defined term;

c) Confiscate exhibits of administrative violations whose value does not exceed the fine specified in point a of this Clause;

d) Enforce remedial measures specified in Article 3 of this Decree.

3. Chiefs of specialized inspectorate teams at Ministerial level are entitled to:

a) Impose a fine of up to VND 175.000.000;

- b) Suspend violators' practice certificates with a defined term;
- c) Confiscate exhibits of administrative violations whose value does not exceed the fine specified in point a of this Clause;
- d) Enforce remedial measures specified in Article 3 of this Decree.

4. The Ministerial Chief Inspector, Director of Vietnam Maritime Administration, Director of the Civil Aviation Authority of Vietnam, Director of Department of Radio Frequency, Director of Vietnam Telecommunications Authority, Director of Department of Radio and Television and Electronic Information, Director of Press Department, Director of Department of Publishing, Printing and Release are entitled to:

- a) Impose a fine of up to VND 250.000.000;
- b) Suspend violators' practice certificates with a defined term;
- c) Confiscate exhibits of administrative violations;
- d) Enforce remedial measures specified in Article 3 of this Decree.”

5. The number order of Clauses 3, 4 and 5 after the aforesaid Clause 3 of Article 39 shall be changed to Clauses 4, 5, 6.

6. Article 40 shall be amended as follows:

**“Article 40. Distribution of power to impose penalties for administrative violations of the Border guards, Maritime Polices, Customs agencies, market surveillance authorities and Inspectorate**

1. The competent border guard officers have the power to impose penalties and enforce remedial measures for administrative violations prescribed in Clause 1 Article 8; Article 16; acts of import and export prescribed in Clause 3 Article 20; acts of import prescribed in Clause 3 and acts of import and export prescribed in Clause 4 Article 35 of this Decree as prescribed in Article 40a of this Decree and their authorized functions, tasks, powers.

2. The competent coastguard officers have the power to impose penalties and enforce remedial measures for administrative violations prescribed in Clause 1 Article 8; Article 16; acts of import and export prescribed in Clause 3 Article 20; Point b Clause 2 Article 29; acts of import prescribed in Clause 3 and acts of import and export prescribed in Clause 4 Article 35 of this Decree as prescribed in Article 40b of this Decree and their authorized functions, tasks, powers.

3. The competent customs officers have the power to impose penalties and enforce remedial measures for administrative violations prescribed in Clause 1 Article 8; Article 16; acts of import and export prescribed in Clause 3 Article 20; acts of import prescribed in Clause 3 and acts of

import and export prescribed in Clause 4 Article 35 of this Decree as prescribed in Article 40c of this Decree and their authorized functions, tasks, powers.

4. Competent market surveillance officials have the power to impose penalties and enforce remedial measures for administrative violations prescribed in Articles 8, 214, 15, 18, 19, acts of producing, assembling, mutating, distributing, selling or renting prescribed in Clause 3 Article 20; Articles 24, 26, 27, 38, 29, 31, 33 and 34; acts of distributing prescribed in Clause 3 and acts of producing, assembling, mutating, distributing, selling or renting prescribed in Clause 4, Clause 5 Article 35 of this Decree as prescribed in Article 40d of this Decree and their authorized functions, tasks, powers.

5. Competent inspectors have power to impose penalties and enforce remedial measures for administrative violations specified in this Decree as follows:

a) Competent inspectors of Inspectorate of Culture, Sports and Tourism and Inspectorate of Culture, Sports and Tourism have power to impose penalties and enforce remedial measures for administrative violations specified in Chapter II of this Decree and Article 38 of this Decree;

b) Competent inspectors of Inspectorate of Information and Communications have power to impose penalties and enforce remedial measures for administrative violations prescribed in Articles 9, 10, 11, 12 and Clause 2 Article 13; Articles 15, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27 and 28; Point a Clause 2 and Clause 3 Article 29; Articles 30, 31, 32, 33, 34 and 35 of this Decree within their competence in Article 38 of this Decree and their authorized functions, tasks, powers.

c) Competent inspectors of Inspectorate of Transports have power to impose penalties and enforce remedial measures for administrative violations prescribed in Clause 1 Article 8; Point b Clause 2 Article 29 of this Decree within their competence in Article 38 of this Decree and their authorized functions, tasks, powers.”

7. Articles 40a, 40b, 40c, and 40d shall be added as follows:

**“Article 40a. The power to impose penalties for administrative violations of the Border guard**

1. Captains of border guard stations, leaders of coastal guard teams, commanders of border guard at checkpoints, commanders of border guard at harbor checkpoints are entitled to:

a) Impose a fine of up to VND 25.000.000;

b) Confiscate exhibits of administrative violations whose value does not exceed the fine specified in point a of this Clause;

c) Enforce remedial measures specified in point dd Clause 1 Article 28 of the Law on Penalties for administrative violations and Clauses 1, 2, 3 and 4 Article 3 of this Decree.

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

- a) Impose a fine of up to VND 250.000.000;
- b) Suspend violators' practice certificates with a defined term;
- c) Confiscate exhibits of administrative violations;
- d) Enforce remedial measures specified in point dd Cause 1 Article 28 of the Law on Penalties for administrative violations and Clauses 1, 2, 3 and 4 Article 3 of this Decree.

**“Article 40b. The power to impose penalties for administrative violations of the coastguard**

1. Coastguard team leaders are entitled to: impose a fine of up to VND 5,000,000.

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

- a) Impose a fine of up to VND 10.000.000;
- b) Enforce remedial measures specified in point dd Clause 1 Article 28 of the Law on Penalties for administrative violations.

3. Commanders of coastguard platoons are entitled to:

- a) Impose a fine of up to VND 25.000.000;
- b) Confiscate exhibits of administrative violations whose value does not exceed the fine specified in point a of this Clause;
- c) Enforce remedial measures specified in point d and dd Cause 1 Article 28 of the Law on Penalties for administrative violations and Clauses 1, 2, 3 and 4 Article 3 of this Decree.

4. Commanders of coastguard fleets are entitled to:

- a) Impose a fine of up to VND 50.000.000;
- b) Confiscate exhibits of administrative violations whose value does not exceed the fine specified in point a of this Clause;
- c) Enforce remedial measures specified in point d and dd Cause 1 Article 28 of the Law on Penalties for administrative violations and Clauses 1, 2, 3 and 4 Article 3 of this Decree.

5. Commanders of regional coastguard command centers are entitled to:

- a) Impose a fine of up to VND 100.000.000;

b) Confiscate exhibits of administrative violations whose value does not exceed the fine specified in point a of this Clause;

c) Enforce remedial measures specified in point d and dd Cause 1 Article 28 of the Law on Penalties for administrative violations and Clauses 1, 2, 3 and 4 Article 3 of this Decree.

6. Commanders of Coastguard Headquarters are entitled to:

a) Impose a fine of up to VND 250.000.000;

b) Suspend violators' practice certificates with a defined term;

c) Confiscate exhibits of administrative violations;

c) Enforce remedial measures specified in point d and dd Cause 1 Article 28 of the Law on Penalties for administrative violations and Clauses 1, 2, 3 and 4 Article 3 of this Decree.

**“Article 40b. The power to impose penalties for administrative violations of the customs**

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

a) Impose a fine of up to VND 25.000.000;

b) Confiscate exhibits of administrative violations whose value does not exceed the fine specified in point a of this Clause;

c) Enforce remedial measures specified in point d, dd and g Cause 1 Article 28 of the Law on Penalties for administrative violations and Clauses 1, 2, 3 and 4 Article 3 of this Decree.

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

a) Impose a fine of up to VND 50.000.000;

b) Suspend violators' practice certificates with a defined term;

c) Confiscate exhibits of administrative violations whose value does not exceed the fine specified in point a of this Clause;

d) Enforce remedial measures specified in point d, dd and g Cause 1 Article 28 of the Law on Penalties for administrative violations and Clauses 1, 2, 3 and 4 Article 3 of this Decree.

3. The Director of the General Department of Customs is entitled to:

- a) Impose a fine of up to VND 250.000.000;
- b) Confiscate exhibits of administrative violations;
- c) Enforce remedial measures specified in point d, dd and g Cause 1 Article 28 of the Law on Penalties for administrative violations and Clauses 1, 2, 3 and 4 Article 3 of this Decree.

**“Article 40b. The power to impose penalties for administrative violations of market surveillance authorities**

1. Leaders of market surveillance teams are entitled to:

- a) Impose a fine of up to VND 25.000.000;
- b) Confiscate exhibits of administrative violations whose value does not exceed the fine specified in point a of this Clause;
- c) Enforce remedial measures specified in point dd, e and g Clause 1 Article 28 of the Law on Penalties for administrative violations and Clauses 1, 2, 3 and 4 Article 3 of this Decree.

2. Director of Market Surveillance Departments of Provincial Departments of Industry and Trade, managers of departments of smuggling prevention, counterfeit prevention, and good quality control affiliated to Market Surveillance Agency are entitled to:

- a) Impose a fine of up to VND 50.000.000;
- b) Confiscate exhibits of administrative violations whose value does not exceed the fine specified in point a of this Clause;
- c) Suspend violators’ practice certificates with a defined term;
- d) Enforce remedial measures specified in Article 3 of this Decree.

3. Director of Market Surveillance Agency is entitled to:

- a) Impose a fine of up to VND 250.000.000;
- b) Confiscate exhibits of administrative violations;
- c) Suspend violators’ practice certificates with a defined term;
- d) Enforce remedial measures specified in Article 3 of this Decree.”

**Article 2. Amendments to the Government's Decree No. 158/2013/ND-CP dated November 12, 2013 on penalties for administrative violations against regulations on culture, sports, tourism, and advertising**

1. Clauses 8, 9, 10 and 11 shall be added to Article 2 as follows:

“8. Enforced satisfaction of requirements for facilities, equipment in film studios featuring special effects that affect moviegoers.

9. Enforced removal of violating works in the electronic forms, on the network and digital environment.

10. Enforced revocation of titles and prizes awarded to winners of beauty contests and model contests; certificates of eligibility for sports business; certificates of eligibility for antiques appraisal business; certificates of eligibility for relic rehabilitating practice; relic rehabilitating practice certificates; licenses to provide international travel services; tour guide’s cards; narrator’s certificates; licenses plates of tour vehicles.

11. Enforced suspension of gaming centers, karaoke boxes, and dance clubs not in accordance with a certain distance as prescribed.”

2. Clause 2 Article 3 shall be amended as follows:

“2. The fines specified in Chapter II and Chapter III of this Decree are imposed on individuals, except for the case mentioned in Point a Clause 1, Point a Clause 3, Point d Clause 4 of Article 4; Point b Clause 4, Clause 5 Article 6; Article 8; Point a and Point c Clause 1, Clause 3 Article 10; Point b Clause 1, Point a Clause 3, Points a, b and c Clause 5, Clauses 6, 7 and 8 Article 13; Clauses 1, 3, Point d Clause 5, Clause 6 and Clause 7 Article; Point b Clause 2 Article 15; Clause 1 and Clause 3 Article 16; Point a Clause 1, Point b Clause 3 Article 17; Point c Clause 3 Article 23; Clauses 1, 2 and 4 Article 23a; Clauses 1, 2 and 4 Article 23c; Clause 1 and Points a, b and c Clause 2 Article 24; Clause 2 and Clause 4 Article 27; Point b Clause 1 Article 30; Clause 2 Article 32; Article 33; Clauses 1,2 and 4 Article 34; Clause 1, Clause 5 Article 40; Article 41; Points a, b and e Clause 1, Clauses 2, 3, 4, 5, 6, 7, 8, 9 and 10 Article 42; Point c Clause 1 Article 52; Clause 2 and Clause 3 Article 55; Clause 2 Article 56; Article 57, Article 58, Points a, b and c Clause 3 Article 59, Point a Clause 2 Article 68, Clause 2 Article 69 and Clause 1 Article 70 that are fines to be imposed on organizations. For a same violation, fines applicable to organizations will be equal to twice of the fines applicable to individuals.”

3. Article 5 shall be amended as follows:

**“Article 5. Violations against regulations on film release**

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

a) Selling or renting films intended for internal use;



b) Erasing or falsifying the rating cards on the video tape or disc.

2. A fine of from VND 15,000,000 to VND 20,000,000 shall be imposed for selling, renting video tapes or discs without rating cards; putting rating cards on other films than those licensed.

3. A fine of from VND 20,000,000 to VND 15,000,000 shall be imposed for swapping the video tapes of discs that bear the rating cards.

4. A fine of from VND 15,000,000 to VND 20,000,000 shall be imposed for one of the following violations:

a) Selling, renting, or releasing unapproved films in the form of celluloid films, video tapes or discs without the license for release;

b) Distributing celluloid films, video tapes or discs beyond the scope in the license for release.

5. A fine of from VND 20,000,000 to VND 25,000,000 shall be imposed for selling, renting, or releasing films in the form of celluloid films, video tapes or discs that are supposed to be revoked, confiscated, destroyed or banned under a regulatory body's decision.

6. Remedial measures:

a) Enforced destruction of the illegal items mentioned in Clauses 1, 2, and 3; Points a Clause 4 and Clause 5 of this Article;

b) Enforced transfer of the profits earned from illegal activities to government budget, applicable to the violations in Clauses 1, 2, 3, 4, and 5 of this Article.”

4. Clause 2 Article 6 shall be amended as follows:

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

a) Making public films recorded in any kind of materials without rating card public;

b) Making public films with contents and extent other than those specified in the license for release or decision on broadcasting;

c) Failure to satisfy requirements for facilities, equipment in film studios featuring special effects that affect moviegoers during the operation,”

5. Clause 4 Article 6 shall be amended as follows:

“4. A fine of from VND 20,000,000 to VND 15,000,000 shall be imposed for one of the following violations:

a) Showing films that are supposed to be revoked, confiscated, destroyed or banned under a regulatory body's decision, or showing films that have pornographic contents, incite violence or debauchery;

b) Organizing specialized film festivals without the prior consent of competent agencies as prescribed.”

6. Clauses 6 and 7 of Article 16 shall be amended as follows:

“6. Additional penalties:

Confiscating the illegal instruments, applicable to the violations in Point a Clause 4 of this Article.

7. Remedial measures:

a) Enforced destruction of exhibits of violations mentioned in Points a and b Clause 2; Clause 3; Point a Clause 4 and Clause 5 of this Article;

b) Enforced removal of the work which is infringed, in electronic form, on internet and digital environment for violations specified in Points a and b Clause 2; Clause 3 and Point a Clause 4 of this Article;

c) Enforced satisfaction of requirements for facilities, equipment in film studios featuring special effects that affect moviegoers during the operation as prescribed in Point c Clause 2 of this Article.”

7. Article 7 shall be amended as follows:

**“Article 7. Violations against regulations on reproducing and storing films**

1. A fine of from VND 15,000,000 to VND 20,000,000 shall be imposed for reproducing unapproved films.

2. A fine of from VND 20,000,000 to VND 25,000,000 shall be imposed for one of the following violations:

a) Reproducing films that are supposed to be revoked, confiscated, destroyed or banned under a regulatory body's decision;

b) Illegally storing films that are supposed to be revoked, confiscated, destroyed or banned under a regulatory body's decision.

3. Additional penalties:

Confiscating the illegal instruments, applicable to the violations in Clause 1, Point a Clause 2 of this Article.

4. Remedial measures:

Enforced destruction of exhibits of violations in case of violation specified in Clause 1 and Clause 2 of this Article;”

8. Article 9 shall be amended as follows:

**“Article 9. Violations against the regulations on reproduction of audio and video recordings of art performances**

1. A fine of from VND 15,000,000 to VND 20,000,000 shall be imposed for reproducing unapproved audio and video recordings of art performances without license for content approval.

2. A fine of from 20.000.000 VND to 25,000,000 VND shall be imposed for one of the following violations:

a) Reproducing audio or video recording of art performances that are supposed revoked, confiscated, destroyed or banned under a regulatory body's decision.

b) Reproducing audio and video recordings of art performances that have pornographic contents, incite violence or debauchery.

3. Additional penalties:

Confiscating the illegal instruments, applicable to the violations in Clause 1 and Clause 2 of this Article.

4. Remedial measures:

a) Enforced destruction of material evidence in case of violation specified in Clause 1 and Clause 2 of this Article;

b) Enforced transfer of the profits earned from illegal activities to government budget, applicable to the violations Clause 1 and Clause 2 of this Article.”

9. Clauses 3 and 4 of Article 10 shall be amended as follows:

“3. A fine of from VND 15,000,000 to VND 20,000,000 shall be imposed for putting rating cards on unapproved shows.

4. A fine of from VND 30,000,000 to VND 40,000,000 shall be imposed for producing audio and video recordings of art performances that have pornographic contents, incite violence,

debauchery; destruction of the environment, or that are not appropriate for Vietnam's value, social ethics standards, and fine traditions;"

10. Article 11 shall be amended as follows:

**“Article 11. Violations against the regulations on selling, renting, or circulating audio and video recordings of art performances**

1. A fine of from VND 10,000,000 to VND 15,000,000 shall be imposed for selling, renting, or circulating of unapproved audio and video recordings of art performances.

2. A fine of from VND 15,000,000 to VND 20,000,000 shall be imposed for selling, renting, or circulating audio and video recordings of art performances that are supposed to be banned, revoked, confiscated, or destroyed under a regulatory body's decision.

3. Remedial measures:

a) Enforced destruction of material evidence in case of violation specified in Clause 1 and Clause 2 of this Article;

b) Enforced transfer of the profits earned from illegal activities to government budget, applicable to the violations Clause 1 and Clause 2 of this Article.”

11. Article 12 shall be amended as follows:

**“Article 12. Violations against the regulations on storing and distributing of audio and video recordings of art performances**

1. A fine of from VND 10,000,000 to VND 15,000,000 shall be imposed for illegally storing or distributing unapproved audio or video recordings of art performances that are unapproved or without rating cards.

2. A fine of from VND 15,000,000 to VND 20,000,000 shall be imposed for illegally storing and distributing audio and video recordings of art performances that incite debauchery, or that are not appropriate for Vietnam's value, social ethics standards, and fine traditions.

3. A fine of from VND 20,000,000 to VND 25,000,000 shall be imposed for illegally storing and distributing audio and video recordings of art performances that are supposed to be revoked, confiscated, destroyed, or banned under a regulatory body's decision.

4. Remedial measures:

a) Enforced destruction of the illegal items mentioned in Clauses 1, 2 and 3 of this Article;

b) Enforced removal of the work which is infringed, in electronic form, on internet and digital environment for violations specified in Clauses 1, 2 and 3 of this Article.”

12. Point dd and Point e shall be added to Clause 5 of Article 13 as follows:

“dd) Distributing, circulating personal images of art or fashion performers with objectionable contents, not appropriate to Vietnam’s value, social ethics standards, fine traditions;

e) Performing inappropriate acts during the performance that are not suitable for Vietnam’s fine tradition or negatively affect diplomatic relations during the art or fashion shows.”

13. Clause 9a shall be added to Article 13 as follows:

“9a. The performer that commits one of the following acts prescribed in Clause 9 of this Article shall be banned from performance for 12 months.”

14. Point a Clause 10 Article 13 shall be amended as follows:

“a) The performer that commits the acts mentioned in Point b and Point c Clause 3, Point d and Point e Clause 5 of this Article shall be banned from performance for 3 - 6 months;”

15. Clause 11 shall be added to Article 13 as follows:

“11. Remedial measures:

Enforced destruction of the illegal items mentioned in Point dd Clause 5 of this Article.”

16. Clause 2 and the first paragraph of Clause 3 Article 14 shall be amended as follows:

“2. A fine of from VND 5,000,000 to VND 10.000.000 shall be imposed for one of the following violations:

a) Damaging the reputation of organizations or insulting the beauty or model contestants;

b) Making public, using titles won in beauty contests and model contests as a result of illegal participation.

3. Fines of holding beauty or model contests not in accordance with the license or a project that has sent to a competent authority for approval as follows:”

17. Clause 5 Article 14 shall be amended as follows:

“5. A fine of from VND 15.000.000 to VND 30.000.000 shall be imposed for one of the following violations:

a) Attending international beauty or model contests overseas without a license (if a license is compulsory);

- b) Attending international beauty or model contests overseas and performing acts not appropriate to Vietnam's fine traditions or negatively affect Vietnam's image and diplomatic relations;
- c) Performing acts not appropriate to Vietnam's value, social ethics standards, and fine traditions after winning titles of beauty contests and model contests;
- d) Failure to revoke titles that have been given in beauty contests and model contests as required by licensing authorities."

18. Clause 8 Article 14 shall be amended as follows:

"8. Remedial measures:

- a) Enforced offer of formal apologies, applicable to the violations in Point a Clause 2 of this Article;
- b) Enforced rectification of the information mentioned in Point b Clause 2 of this Article;
- c) Enforced revocation of titles that have been given in beauty contests and model contests as prescribed in Point c and Point d Clause 5 of this Article."

19. Clause 1 Article 15 shall be amended as follows:

"1. Warnings or fines of from VND 200,000 to 500,000 VND for burning incense or joss paper not in accordance with regulations of festival organizing board, historic site management board; throw, drop money into wells, ponds; profane or desecrate that affect the solemn atmosphere; litter causing environmental insanitation in the festival or historic site."

20. Article 16 shall be amended as follows:

**"Article 16. Violations against regulations on conditions for holding cultural activities or providing public cultural services**

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

- a) Failure to establish a festival organizing board as prescribed;
- b) Selling tickets, charging for participation in festivals;
- c) Toilets are unavailable or available but unsatisfied with standards as prescribed in the festival or historic sites.

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

- a) Opening a gaming center exceeding the certain distance as prescribed from an elementary, lower secondary or upper secondary school;
- b) Opening a karaoke box or a dance club exceeding the certain distance from a school, hospital, a religious building, historic and cultural remains, or a regulatory agency;
- c) Opening shops, restaurants, hotels, stations that encroach the remain campus and/or obstruct traffic in the festival area;
- d) Opening a gaming center not in accordance with statutory time;
- dd) Failure to provide adequate lighting in the dance club or karaoke box.

3. A fine of from VND 5,000,000 to VND 10,000,000 shall be imposed for selling more tickets than the number of seats or capacity of the place where the art performance, fashion show, beauty contest or model contest is held.

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

- a) Failure to provide adequate area of the dance club or karaoke box;
- b) Failure to adhere to regulations on the design of karaoke boxes.

5. A fine of from VND 15,000,000 to VND 20,000,000 shall be imposed for using improper alarm equipment at dance clubs or karaoke boxes.

6. Additional penalties:

Confiscating the illegal items mentioned in Clause 5 of this Article.

7. Remedial measures:

b) Enforced transfer of the profits earned from illegal activities to government budget, applicable to the violations Point b Clause 1 and Clause 3 of this Article;

b) Enforced suspension applicable to violations specified in Point a and Point b Clause 2 of this Article.”

21. Point a shall be amended and Point c shall be added to Clause 2 of Article 19 as follows:

“a) Selling and distributing paintings, photographs, and other materials containing pornographic, violent contents, spreading debauchery, not appropriate to Vietnam’s fine traditions or containing contents that are supposed to be suspended, banned, revoked, confiscated, or destroyed under a regulatory body's decision;

c) Edit photos falsifying the content of the image for the purpose of distorting history, negating the revolutionary achievements; offend great men, national heroes, leaders, cultural celebrity; slander, harm the reputation of the agency, organization, honor and dignity of individuals.”

22. Clause 2 Article 23 shall be amended as follows:

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

a) Spreading or practicing in a manner that falsifies the intangible cultural heritage and arbitrarily put new elements into the intangible cultural heritage resulting in its value decline;

b) Spreading or providing incorrect information about the value of historic and cultural sites and scenic beauties;

c) Misuse the protection and promotion of cultural heritage for profiteering purpose.”

23. Point a shall be amended and Point c shall be added to Clause 3 of Article 23 as follows:

“a) Damaging exhibits in museums or at historic sites and scenic beauties;”

“c) Falsifying the rating certificate of the historic and cultural site or certificate of intangible cultural heritage which is named in the list of national intangible cultural heritage.”

24. Point a Clause 5 Article 23 shall be amended as follows:

“a) Seriously damaging exhibits in museums, historic and cultural sites or scenic beauties; seriously damaging cultural and art works.”

25. Point a Clause 7 Article 23 shall be amended as follows:

“b) Illegally trading or trafficking relics, antiques and national treasures of historic sites or scenic beauties, relics, antiques and national treasures of illegal origins within Vietnam’s territory.”

26. Point a Clause 9 Article 23 shall be amended as follows:

“c) Enforced transfer of the profits earned from illegal activities to government budget, applicable to the violations Point c Clause 2 and Clause 7 of this Article.”

27. Article 23a, 23b, and 23c shall be added as follows:

**“Article 23a. Violations against regulations on conditions for antiques appraisal business**

1. A fine of from VND 1,000,000 to VND 3,000,000 shall be imposed for failure to apply for reissuance of certificate of eligibility for antiques appraisal business as prescribed.



2. A fine of from VND 3,000,000 to VND 5.000.000 shall be imposed for one of the following violations:

- a) Giving untruthful documents in an application for issuance or reissuance of certificate of eligibility for antiques appraisal business;
- b) Failure to the maintain sufficient antiques appraisal specialists as prescribed during its course of operation;
- c) Making erasures and correction resulting in change of the certificate of eligibility for antiques appraisal business.

3. A fine of from VND 25.000.000 to VND 35.000.000 shall be imposed for antiques appraisal business without any certificate of eligibility for antiques appraisal business as prescribed.

4. Suspend certificate of eligibility for antiques appraisal business from 3 – 6 months if the certificate is used by another business entity.

5. Additional penalties:

Confiscating the exhibits of violations mentioned in Point c Clause 2 of this Article.

6. Remedial measures:

- a) Enforced transfer of the profits earned from illegal activities to government budget, applicable to the violations in Clauses 1, 2, 3, 4, and 5 of this Article.
- b) Enforced revocation of certificate of eligibility for antiques appraisal business in case of the violation prescribed in Point a Clause 2 of this Article.

#### **Article 23b. violations against regulations on relic rehabilitating practice certificates**

1. A fine of from VND 1,000,000 to VND 3,000,000 shall be imposed for failure to apply for reissuance of a relic rehabilitating practice certificate as prescribed, except that such relic rehabilitating practice certificate expires.

2. A fine of from VND 3,000,000 to VND 5.000.000 shall be imposed for one of the following violations:

- a) Giving untruthful documents in application for issuance or reissuance of relic rehabilitating practice certificate;
- b) Making erasures or correction resulting in change of the relic rehabilitating practice certificate.

3. A fine of from VND 3,000,000 to VND 5.000.000 shall be imposed for one of the following violations:

- a) Practicing rehabilitating relics without any relic rehabilitating practice certificate as prescribed;
- b) Use a relic rehabilitating practice certificate of another person;
- c) Use expired relic rehabilitating practice certificate;
- d) Permit another person to use a relic rehabilitating practice certificate.

4. Additional penalties:

- a) Enforced confiscation of the exhibits of violation mentioned in Point b Clause 2 and Point c Clause 3 of this Article;
- b) Confiscating the relic rehabilitating practice certificate for 3 - 6 months, applicable to the violations in Point d Clause 3 of this Article.

5. Remedial measures:

- a) Enforced transfer of the profits earned from illegal activities to government budget, applicable to the violations in Clauses 1, 2, and 3 of this Article;
- b) Enforced revocation of relic rehabilitating practice certificate in case of violation prescribed in Point a Clause 2 of this Article.

**Article 23c. violations against regulations on certificate of eligibility for relic rehabilitating practice**

1. A fine of from VND 1,000,000 to VND 3,000,000 shall be imposed for failure to apply for reissuance of a certificate of eligibility for relic rehabilitating practice as prescribed, except that such certificate expires.

2. A fine of from VND 3,000,000 to VND 5.000.000 shall be imposed for one of the following violations:

- a) Giving untruthful documents in application for issuance or reissuance of certificate of eligibility for relic rehabilitating practice;
- b) Making erasures or correction resulting in change of the certificate of eligibility for relic rehabilitating practice;
- c) Failure to maintain sufficient holders of relic rehabilitating practice certificates during the course of operation;

d) Use expired certificate of eligibility for relic rehabilitating practice.

3. A fine of from VND 25.000.000 to VND 35.000.000 shall be imposed for relic rehabilitating practice without any certificate of eligibility for relic rehabilitating practice as prescribed or use a certificate of eligibility for relic rehabilitating practice of another organization.

4. Suspend certificate of eligibility for relic rehabilitating practice for 3 - 6 months if such certificate is used by another organization.

5. Additional penalties:

a) Confiscating the certificate of eligibility for relic rehabilitating practice for 1 - 3 months, applicable to the violations in Point c Clause 2 of this Article;

b) Confiscating the exhibits of violation mentioned in Point b and Point d Clause 2 of this Article.

6. Remedial measures:

a) Enforced transfer of the profits earned from illegal activities to government budget, applicable to the violations in Clauses 1, 2, 3, and 4 of this Article;

b) Enforced revocation of certificate of eligibility for relic rehabilitating practice in case of violation prescribed in Point a Clause 2 of this Article.”

28. Article 34 shall be amended as follows:

**“Article 34. Violations against regulations on the certificate of eligibility to provide sport services**

1. A fine of from VND 1,000,000 to VND 3.000.000 shall be imposed for one of the following violations:

a) Failure to apply for reissuance of certificate of eligibility to provide sports services as prescribed;

b) Failure to return certificate of eligibility to provide sports services for revocation purpose as prescribed.

2. A fine of from VND 3,000,000 to VND 5.000.000 shall be imposed for one of the following violations:

a) Giving untruthful documents in an application for issuance or reissuance of certificate of eligibility to provide sports services;

b) Making erasures and correction resulting in change of the certificate of eligibility to provide sports services.

3. A fine of from VND 5,000,000 to VND 10,000,000 shall be imposed for providing sports services without any certificate of eligibility to provide sports services as prescribed or use certificate of eligibility to provide sports services of another organization.

4. Suspend certificate of eligibility to provide sports services for 3 – 6 months if the certificate is used by another business entity.

5. Additional penalties:

Confiscating the exhibits of violations mentioned in Point b Clause 2 of this Article.

6. Remedial measures:

a) Enforced transfer of the profits earned from illegal activities to government budget, applicable to the violations in Clauses 1, 2, 3, and 4 of this Article;

b) Enforced revocation of certificate of eligibility to provide sports services in case of the violation prescribed in Point a Clause 2 of this Article.”

29. Point e shall be added to Clause 1 Article 42 as follows:

“e) Failure to submit reports to competent authorities as prescribed.”

30. Points e, g and h shall be added to Clause 3 Article 42 as follows:

“e) Failure to conclude a written travel service contract with the tourists or their representative; Failure to conclude a travel agency contract with the agency as prescribed;

g) Enforced information is omitted in the travel service contract that has been concluded with the tourists or their representative as prescribed;

h) Failure to provide the tourists or their representative with the written tour schedule.”

31. Clause 9 Article 42 shall be amended as follows:

“9. A fine of from 40,000,000 VND to 50,000,000 VND shall be imposed for providing international travel services the license to provide international travel services or using the license to provide international travel services of another company.”

32. Point a shall be amended and Point c shall be added to Clause 11 of Article 42 as follows:

“a) Revoking the license to provide international travel services for 6 - 12 months, applicable to the violations in Point d and Point dd Clause 4, Point a and c Clause 5, Point c Clause 6 of this Article;”

“c) Confiscating the exhibits of violation mentioned in Point d and Point dd Clause 3 of this Article.”

33. Clause 12 Article 42 shall be amended as follows:

“12. Remedial measures:

a) Enforced revocation of license to provide international travel services in case of violation prescribed in Point d Clause 6 of this Article;

b) Enforced transfer of the profits earned from illegal activities to government budget, applicable to the violations in Point c Clause 5, Point a Clause 6, Points a, b, c, d, ,d dd, and g Clause 7, Clauses 8, 9, 10 of this Article.”

34. Point e Clause 3 Article 44 shall be amended as follows:

“e) Providing false information about the documents in the application for the issuance or replacement of the tour guide’s card or narrator’s certificate;”

35. Points b, c and d Clause 7 Article 44 shall be amended as follows:

“b) Revoking the tour guide’s card for 6 - 12 months, applicable to the violations in Point c Clause 3, Point b Clause 4, Points b and c Clause 5 of this Article;

c) Revoking the narrator’s certificate for 6 - 12 months, applicable to the violations in Point c and Clause 3 of this Article;

d) Compulsory confiscation of the exhibits of violation mentioned in Points d and dd Clause 3, Points a and dd Clause 4 of this Article.”

36. Clause 8 Article 44 shall be amended as follows:

“8. Remedial measures:

a) Enforced revocation of tour guide’s card, narrator’s certificate in case of violation prescribed in Point e Clause 3 of this Article;

b) Enforced transfer of the profits earned from illegal activities to government budget, applicable to the violations Point e Clause 4 and Point b Clause 5 of this Article.”

37. Clause 10 Article 45 shall be amended as follows:

“10. Remedial measures:

b) Enforced transfer of the profits earned from illegal activities to government budget, applicable to the violations Points b and c Clause 6 and Clause 7 of this Article;

b) Enforced destruction of the exhibits of violation mentioned in Point b Clause 5 of this Article.”

38. Points b, c and d Clause 6 Article 48 shall be amended as follows:

“b) Failure to assign personnel to supervise the tourism environment protection as prescribed;

c) Failure to put up the license plate of standard tourist vehicle or license plate of inland passenger watercraft as prescribed;

d) Employing vehicle operators, crewmembers, and attendants without the certificate of training in tourism industry or in case of expired certificate of training in tourism industry.”

39. Point a shall be amended and Point c shall be added to Clause 7 of Article 48 as follows:

“a) Using fake license plates on tourist buses or fake licenses plates on inland passenger watercraft for business purpose;”

“c) Giving untruthful documents in application for issuance of license plates to tour vehicles.”

40. Clause 8 and Clause 9 shall be added to Article 48 as follows:

“8. Additional penalties:

Confiscating exhibits of violations in case of using expired certificate of training in tourism industry as prescribed in Point d Clause 6; Point a Clause 7 of this Article.

9. Remedial measures:

a) Compulsory revocation of license plates issued to tour vehicles in case of violation prescribed in Point c Clause 7 of this Article;

b) Enforced transfer of the profits earned from illegal activities to government budget, applicable to the violations in Point a Clause 1 of this Article.”

41. Clause 5 shall be added to Article 49 as follows:

“5. Remedial measures:

Enforced transfer of the profits earned from illegal activities to government budget, applicable to the violations in Clause 2 of this Article.”

42. Clause 1 and Point b Clause 2 Article 51 shall be amended as follows:

“1. A fine shall be imposed for hanging, placing, fixing, or painting advertisements on electric posts, traffic light posts, and trees in public places as follows:

a) A fine of from VND 1,000,000 to VND 2,000,000 shall be imposed for a person hanging, placing, fixing, or painting advertisements of products, goods, services;

b) A fine of from VND 5,000,000 to VND 10,000,000 shall be imposed for owners of the products, goods, services;”

“b) Using advertisements that affect the landscape, traffic safety, or social order, except for the case mentioned in Clause 1 of this Article, Clause 1 and Clause 3 Article 61, Point a Clause 2 Article 63, Clause 3 Article 66 of this Decree;”

43. Point c shall be added to Clause 1 Article 55 as follows:

“c) Directly posting advertisements on the website of a foreign entity that provide cross-border advertising services without through an advertising service provider lawfully operating in Vietnam.”

44. Point a Clause 2 Article 59 shall be amended as follows:

“c) The advertisement on the bloc calendar exceeds the permissible space or advertising contents or images in the bloc calendar are not appropriate to Vietnam’s fine traditions;”

45. Point b and Point c Clause 3 of Article 59 shall be amended as follows:

“b) Placing advertisements on one of the second, third, or fourth cover page of a book-based publication or a book-based non-business document, except the advertisements for the authors, works, publishers and advertising books;

c) Placing advertising in the first cover page of a book-based publication or a book-based non-business document , except for advertising books;”

46. Clause 4 Article 59 shall be amended as follows:

“4. A fine of from VND 15,000,000 to VND 30,000,000 shall be imposed for advertising on administrative maps, valuable papers, certificates, and state management documents.”

47. Point c shall be amended and Point d shall be added to Clause 1 of Article 60 as follows:

“c) Provide incorrect advertisement contents on the board or banner for competent authorities in the locality where the advertisement is placed;

d) Putting advertisement on the board or banner without prior consent of competent authorities in the locality where the advertisement is placed after the advertisement contents have been notified.”

48. Point c shall be added to Clause 2 Article 60 as follows:

“c) Failure to provide advertisement contents on the board or banner for competent authorities in the locality where the advertisement is placed.”

49. Article 61 shall be amended as follows:

**“Article 61. Violations against regulations on advertisements affecting landscape, traffic order, social security and means of transport**

1. Warnings or fines of from VND 2,000,000 to VND 500,000 for handing out leaflets that affect landscape, traffic order, and social security.

2. A fine of from VND 2,000,000 to VND 5.000.000 shall be imposed for one of the following violations:

a) Placing advertisements in the front, back, or top of the vehicle;

b) The advertisement exceeds the permissible area for advertisement on a side of the vehicle.

3. Warnings or fines of from VND 5,000,000 to VND 10,000,000 for owners of products, goods, or services adverted on leaflets that affect landscape, traffic order, and social security.

4. Remedial measures:

Enforced removal of the advertisements mentioned in Clause 2 of this Article.”

50. Clause 4 Article 66 shall be amended as follows:

“4. Remedial measures:

Enforced removal of the signboards mentioned in Clauses 1, Points a, b, c, d and g Clause 2, and 3 of this Article.”

51. Clause 1 Article 67 shall be amended as follows:

“1. A fine of from VND 15,000,000 to VND 20,000,000 shall be imposed for advertising special goods and services without having the advertisements contents certified by competent authorities before showing the advertisements.”

52. Point a Clause 3 Article 68 shall be amended as follows:



“a) Advertising medicines in contravention of the contents certified by the competent authority; advertising the medicines before the application is granted; advertising medicines according to expired documents; advertising medicines before submitting the application for medicine advertisements to the competent authority;”

53. Point c Clause 2 Article 70 shall be amended as follows:

"c) Advertising on electronic equipment at the public; dispensing the audio and video recordings or data storage devices that contain information about foods or food additives at a fair, seminar, conference, or exhibition in contravention of the application for declaration of conformity with regulations on food safety and application for confirmation of advertisement contents.”

54. Point a Clause 4 Article 70 shall be amended as follows:

“a) Advertising foods in the form of articles written by physicians, pharmacists, or health workers claiming the foods can cure diseases; using the image, reputation or letters of medical facilities or health workers, or gratitude letters of patients to advertise foods;”

55. Point c shall be added to Clause 4 Article 70 as follows:

“c) Advertising functional foods in a form of listing uses of each product’s ingredients.”

56. Article 77a shall be added as follows:

**“Article 77a. Violations against regulations on advertising fertilizers, biological preparations for farming use**

1. A fine of from VND 10,000,000 to VND 15,000,000 shall be imposed for advertising fertilizers, biological preparations for farming use not in accordance with product quality certificate or declaration of product quality.

2. A fine of from VND 15,000,000 to VND 20,000,000 shall be imposed for advertising fertilizers, biological preparations for farming use without any of the following contents:

- a) Names of fertilizers or biological preparations;
- b) Origin, materials used in processing;
- c) Name and address of entity in charge of putting products into the market.

3. Remedial measures:

- a) Enforced rectification of the information mentioned in Clause 1 and Clause 2 of this Article;
- b) Enforced removal of the advertisements mentioned in Clause 1 and Clause 2 of this Article.”

57. Article 81 shall be amended as follows:

**“Article 81. The power to impose penalties for administrative violations of inspectorate**

1. Inspectors and persons appointed as specialized inspectors in the performance of their duty are entitled to:

- a) Issue warnings;
- b) Impose fines of up to 500,000 VND;
- c) Confiscate the illegal items, the value of which must not exceed the amount mentioned in Point b of this Clause;
- d) Enforce the remedial measures mentioned in Point a and Point dd Clause 1 Article 28 of the Law on Actions against administrative violations.

2. Chief Inspector of Provincial Departments, Chiefs of inspectorates of provincial authorities; Chief Inspector of Civil Aviation Authority, Chief Inspector of Maritime Administration, Directors of Food Safety and Hygiene Department affiliated to Service of Health, Directors of Provincial Crop Production and Plant, Veterinary Medicine, Fisheries, Quality management of agro-forestry and fishery products, irrigation, dike maintenance, forestry, rural development affiliated to the Service of Agriculture and Rural development, Director of Regional Frequency Center are entitled to:

- a) Issue warnings;
- b) Impose fines of up to VND 25,000,000 for the administrative violations pertaining to culture, sports and tourism; impose fines of up to VND 50,000,000 for the administrative violations pertaining to advertising;
- c) Suspend the license, the practicing certificate, or the operation;
- d) Confiscate the illegal items, the value of which must not exceed the amount mentioned in Point b of this Clause;
- dd) Enforce the remedial measures mentioned in Article 2 of this Decree.

3. The Chiefs of specialized inspectorate teams at Ministerial level have rights:

- a) Issue warnings;
- b) Impose fines of up to VND 35,000,000 for the administrative violations pertaining to culture, sports and tourism; impose fines of up to VND 70,000,000 for the administrative violations pertaining to advertising;

- c) Suspend the license, the practicing certificate, or the operation;
- d) Confiscate the illegal items, the value of which must not exceed the amount mentioned in Point b of this Clause;
- dd) Enforce the remedial measures mentioned in Article 2 of this Decree.

4. Ministerial Chief Inspector, Director General of Directorate for Roads of Vietnam, Director General of the Directorate for Standards, Metrology, and Quality, Director General of Irrigation, Director General of Environment, Director General of Land Management, Director of Vietnam Railway Authority, Director of Vietnam Inland Waterway Administration, Director of Vietnam Maritime Administration, Director of Civil Aviation Authority of Vietnam, Director of Department of Animal Health, Director of Plant Protection Department, Director of Department of Crop Production, Director of Livestock Production Department, Director of Radio Frequency Department, Director of Vietnam Telecommunications Authority, Director of Department of Radio and Television and Electronic Information, Director of Press Department, Director of Department of Publishing, Printing and Release, Director of Pharmacy Management Department, Director of Medical Examination and Treatment Department, Director of Department of Environmental Health Management, Director of General Department of Preventive Medicine, Director of Department of Food Safety and Hygiene are entitled to:

- a) Issue warnings;
- b) Impose fines of up to VND 50,000,000 for the administrative violations pertaining to culture, sports and tourism; impose fines of up to VND 100.000.000 for the administrative violations pertaining to advertising;
- c) Suspend the license, the practicing certificate, or the operation;
- d) Confiscate the illegal items;
- dd) Enforce the remedial measures mentioned in Article 2 of this Decree.”

58. Article 83 shall be amended as follows:

**“Article 83. Distribution of power to impose penalties administrative violations of Border guards, Maritime Polices, Customs agencies, market surveillance authorities and inspectorate**

1. The border guard officers have the power to impose penalties and enforce remedial measures for administrative violations specified in Point b Clause 7 Article 23; Article 50; Points a, b and c Clause 2, Clauses 3, 4, 5 and 6 Article 51; Points a and b Clause 1 Article 52; Article 53; Article 61; Point d Clause 3 Article 68; Point c Clause 3 Article 69; Point a Clause 2 Article 72; Point b Clause 1 Article 75; Clause 2 Article 77a and Clause 1 Article 78 of this Decree in accordance with Article 83a of this Decree and their assigned functions, tasks, powers.

2. The coastguard officers have the power to impose penalties and enforce remedial measures for administrative violations specified in Point b Clause 7 Article 23; Article 50; Points a, b and c Clause 2, Clauses 3, 4, 5 and 6 Article 51; Points a and b Clause 1 Article 52; Article 53; Article 61; Point d Clause 3 Article 68; Point c Clause 3 Article 69; Point a Clause 2 Article 72; Point b Clause 1 Article 75; Clause 2 Article 77a and Clause 1 Article 78 of this Decree in accordance with Article 83b of this Decree and their assigned functions, tasks, powers.

3. The customs officials have the power to impose penalties and enforce remedial measures for administrative violations specified in Point b Clause 7 Article 23; Article 50; Points a, b and c Clause 2, Clauses 3, 4, 5 and 6 Article 51; Points a and b Clause 1 Article 52; Article 53; Article 61; Point d Clause 3 Article 68; Point c Clause 3 Article 69; Point a Clause 2 Article 72; Point b Clause 1 Article 75; Clause 2 Article 77a and Clause 1 Article 78 of this Decree in accordance with Article 83c of this Decree and their assigned functions, tasks, powers.

4. Market surveillance officers have the power to impose penalties and enforce remedial measures for administrative violations specified in Articles 5, 6, 7 and 9; Points a and d Clause 1, Clauses 2, 3, 4, and 5 Article 10; Articles 11 and 12; Article 18; Point b Clause 1, Point a Clause 2 Article 19; Point a Clause 1 Article 22; Clause 7 Article 23; Points b and d Clause 2, Point g Clause 3, Point c Clause 6 and Clause 7 of Article 45; Article 46; Article 50; Point a Clause 3, Point b Clause 4, Points a, b and c Clause 5 Article 51; Points a and b Clause 1 Article 52; Article 53; Articles 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 77a and 78 of this Decree in accordance with Article 83d of this Decree and their assigned functions, tasks, powers.

5. Inspectors have the power to impose penalties for administrative violations and enforce the remedial measures in accordance with this Decree as follows:

a) Inspectors of Culture, Sports and Tourism, inspectors of Culture and Sports, inspectors of Tourism have power to impose penalties for administrative violations and enforce remedial measures as prescribed in Chapter II and Chapter III of this Decree in accordance with Article 81 of this Decree;

b) Inspectors of Information and Communications have power to impose penalties for administrative violations and enforce remedial measures as prescribed in Clause 5 Article 6; Point c Clause 1 Article 45; Section 1, Section 2 and Section 4 Chapter III of this Decree in accordance with Article 81 of this Decree and their assigned functions, tasks, powers;

c) Inspectors of Health have power to impose penalties for administrative violations and enforce remedial measures as prescribed in Point c Clause 2 Article 35; Article 38; Articles 67, 68, 69, 70, 71, 72, 73 and 74 of this Decree in accordance with Article 81 of this Decree and their assigned functions, tasks, powers;

d) Inspectors of Agriculture and Rural Development have power to impose penalties for administrative violations and enforce remedial measures for violations against advertisement on boards and banners not accordance with dike maintenance areas as prescribed in Point c Clause 3 Article 60; violations in Articles 67, 75, 76, 77, 77a and 78 of this Decree in accordance with Article 81 of this Decree and their assigned functions, tasks, powers;

dd) Inspectors of Construction have power to impose penalties for administrative violations and enforce remedial measures for violations as prescribed in Clause 3 Article 22; violations of hanging, putting, sticking, painting advertisements on trees at the public specified in Clause 1 Article 51; Clauses 5, 6 and 7 Article 60 of this Decree in accordance with Article 81 of this Decree and their assigned functions, tasks, powers;

e) Inspectors of Transport have power to impose penalties for administrative violations and enforce remedial measures for violations as prescribed in Clause 3 Article 35; failure to obtain a certificate of vehicle registration, certification of vehicle's technical safety specified in Clause 2 Article 36; Point a Clause 1 of Article 39; failure to send reports on tourist travel to competent authorities as prescribed in Point b Clause 1, Clauses 2, 3, 4, 5, Point c and Point d Clause 6 and Clause 7 of Article 48; Point b Clause 2 Article 51; advertisements on boards and banners not in accordance with traffic safety corridor; advertisements obstructing traffic lights; advertisements stretching across traffic roads as prescribed in Point c Clause 3 Article 60; Article 61; Point b Clause 3 Article 66 of this Decree in accordance with Article 81 of this Decree and their assigned functions, tasks, powers;

g) Inspectors of science and technology shall have power to impose penalties for administrative violations and enforce remedial measures for failure to use tools and equipment without certificates of quality measurement standards as prescribed in Clause 2 Article 36 of this Decree in accordance with Article 81 and their assigned functions, tasks, powers;

h) Inspectors of Labor, War Invalids and Social Affairs have power to impose penalties for administrative violations and enforce remedial measures for violations as prescribed in Point c Clause 3, Point d Clause 4 Article 42; Article 38; Point a Clause 3 Article 44 and Article 49 of this Decree in accordance with Article 81 of this Decree and their assigned functions, tasks, powers;

i) Inspectors of Natural Resources and Environment have power to impose penalties for administrative violations and enforce remedial measures for violations as prescribed in Point b Clause 5 Article 23; Point c Clause 3 Article 35; failure to send reports on tourism environment protection to competent authorities as prescribed in Point b Clause 1 Article 48; Point a Clause 1 Article 62 of this Decree in accordance with Article 81 of this Decree and their assigned functions, tasks, powers;

59. Article 83a, 83b, 83c and 83d shall be added as follows:

**“Article 83a. The power to impose penalties for administrative violations of the Border guard**

1. The border guard soldiers in the performance of their duty are entitled to:

a) Issue warnings;

b) Impose fines of up to VND 500,000.

2. Team leaders of the persons prescribed in Clause 1 of this Article are entitled to:

- a) Issue warnings;
- b) Impose fines of up to VND 2.500.000.

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

- a) Issue warnings;
- b) Impose fines of up to VND 10,000,000 for administrative violations pertaining to culture;
- c) Confiscate the illegal items, the value of which must not exceed the amount mentioned in Point b of this Clause;
- d) To apply remedial measures specified in Points a and dd Clause 1 Article 28 of the Law on Actions against administrative violations and Clauses 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10 Article 2 of this Decree.

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

- a) Issue warnings;
- b) Impose fines of up to VND 50,000,000 for administrative violations pertaining to culture;
- c) Suspend the license, the practicing certificate, or the operation;
- d) Confiscate the illegal items;
- dd) Enforce remedial measures specified in Points a and dd Clause 1 Article 28 of the Law on Actions against administrative violations and Clauses 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10 Article 2 of this Decree.

**Article 83b. The power to impose penalties for administrative violations of the Coastguard**

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

- a) Issue warnings;
- b) Impose fines of up to VND 1.000.000 for administrative violations pertaining to culture.

2. Coastguard team leaders are entitled to:

- a) Issue warnings;

b) Impose fines of up to VND 2.500.000 for administrative violations pertaining to culture.

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

a) Issue warnings;

b) Impose fines of up to VND 5.000.000 for administrative violations pertaining to culture;

c) Enforce the remedial measures mentioned in Point a and Point dd Clause 1 Article 28 of the Law on Actions against administrative violations.

4. Commanders of coastguard platoons are entitled to:

a) Issue warnings;

b) Impose fines of up to VND 10,000,000 for administrative violations pertaining to culture;

c) Confiscate the illegal items, the value of which must not exceed the amount mentioned in Point b of this Clause;

d) Enforce remedial measures specified in Points a and dd Clause 1 Article 28 of the Law on Actions against administrative violations and Clauses 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10 Article 2 of this Decree.

5. Commanders of coastguard fleets are entitled to:

a) Issue warnings;

b) Impose fines of up to VND 15,000,000 for administrative violations pertaining to culture;

c) Confiscate the illegal items, the value of which must not exceed the amount mentioned in Point b of this Clause;

d) Enforce remedial measures specified in Points a and dd Clause 1 Article 28 of the Law on Actions against administrative violations and Clauses 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10 Article 2 of this Decree.

7. Commander of Coastguard Headquarters is entitled to:

a) Issue warnings;

b) Impose fines of up to VND 25,000,000 for administrative violations pertaining to culture;

c) Confiscate the illegal items, the value of which must not exceed the amount mentioned in Point b of this Clause;

d) Enforce remedial measures specified in Points a and dd Clause 1 Article 28 of the Law on Actions against administrative violations and Clauses 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10 Article 2 of this Decree.

7. Commander of Coastguard Headquarters is entitled to:

a) Issue warnings;

b) Impose fines of up to VND 50,000,000 for administrative violations pertaining to culture;

c) Suspend the license, the practicing certificate, or the operation;

d) Confiscate the illegal items;

dd) Enforce remedial measures specified in Points a, b and dd Clause 1 Article 28 of the Law on Actions against administrative violations and Clauses 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10 Article 2 of this Decree.

### **Article 83b. The power to impose penalties of the customs**

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

a) Issue warnings;

b) Impose fines of up to VND 500,000.

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

a) Issue warnings;

b) Impose fines of up to VND 5,000,000.

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

a) Issue warnings;

b) Impose fines of up to VND 25,000,000;

c) Confiscate the illegal items, the value of which must not exceed the amount mentioned in Point b of this Clause;



d) Enforce remedial measures specified in Points dd and I Clause 1 Article 28 of the Law on Actions against administrative violations and Clauses 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10 Article 2 of this Decree.

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

a) Issue warnings;

b) Impose fines of up to VND 50,000,000;

c) Suspend the license, the practicing certificate, or the operation;

d) Confiscate the illegal items, the value of which must not exceed the amount mentioned in Point b of this Clause;

dd) Enforce remedial measures specified in Points dd and i Clause 1 Article 28 of the Law on Actions against administrative violations and Clauses 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10 Article 2 of this Decree.

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

a) Issue warnings;

b) Impose fines of up to VND 50,000,000 for administrative violations pertaining to culture;

c) Confiscate the exhibits and means of administrative violations;

d) Enforce remedial measures specified in Points dd and I Clause 1 Article 28 of the Law on Actions against administrative violations and Clauses 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10 Article 2 of this Decree.

**Article 83d. The power to impose penalties for administrative violations of market surveillance authorities**

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

a) Issue warnings;

b) Impose fines of up to VND 500,000.

2. Leaders of market surveillance teams are entitled to:

a) Issue warnings;

b) Impose fines of up to VND 25,000,000;

c) Confiscate the illegal items, the value of which must not exceed the amount mentioned in Point b of this Clause;

d) Enforce remedial measures specified in Points a, dd, e, h and i Clause 1 Article 28 of the Law on Actions against administrative violations and Clauses 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10 Article 2 of this Decree.

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

a) Issue warnings;

b) Impose fines of up to VND 50,000,000;

c) Confiscate the illegal items, the value of which must not exceed the amount mentioned in Point b of this Clause;

d) Suspend the license, the practicing certificate, or the operation;

dd) Enforce remedial measures specified in Points a, dd, e, h and i Clause 1 Article 28 of the Law on Actions against administrative violations and Clauses 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10 Article 2 of this Decree.

4. Director of Market Surveillance Agency is entitled to:

a) Issue warnings;

b) Impose fines of up to VND 50,000,000 for the administrative violations pertaining to culture, sports and tourism; impose fines of up to VND 100,000,000 for the administrative violations pertaining to advertising;

c) Confiscate the exhibits and means of administrative violations;

d) Suspend the license, the practicing certificate, or the operation;

dd) Enforce remedial measures specified in Points a, dd, e, h and i Clause 1 Article 28 of the Law on Actions against administrative violations and Clauses 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10 Article 2 of this Decree.”

### **Article 3. Regulations to be annulled and phrases to be replaced**

1. Point b Clause 1 and Point b Clause 2 Article 10; Point b Clause 4 Article 13; Point c Clause 5 Article 23; Point c Clause 2 Article 24; Clause 2 and Clause 3 Article 38; Point d Clause 1, Point a and Point b Clause 2, Point b Clause 3 Article 42; Point a Clause 7 Article 44; Point a Clause 6

Article 51; Point dd and Point e Clause 2 Article 66 and Point b Clause 2 Article 76 of the Government's Decree No. 158/2013/ND-CP dated November 12, 2013 on penalties for administrative violations against regulations in the areas of culture, sports, tourism, and advertisement shall be annulled.

2. The phrase “trên môi trường Internet” (“in the Internet environment”) shall be replaced with “trên môi trường mạng” (“in the network environment”) prescribed in Clause 3 Article 3, Point b Clause 3 Article 10, Clause 2 Article 12, Clause 2 Article 15, Clause 2 Article 18, Point b Clause 3 Article 21, Point b Clause 3 Article 22, Clause 2 Article 23, Clause 2 Article 24, Clause 2 Article 25, Clause 2 Article 26, Clause 2 Article 27, Clause 2 Article 28, Clause 4 Article 29, Clause 2 Article 30, Clause 2 Article 31, Clause 2 Article 32, Clause 2 Article 33, and Clause 3 Article 34 of the Government's Decree No. 131/2013/ND-CP dated October 16, 2013 on penalties for administrative violations against copyrights and related rights.

#### **Article 4. Entry into force**

1. This Decree comes into force from May 5, 2017.

2. If an administrative violation against copyright and related rights or an administrative violation against culture, sports, tourism and advertisement committed before the effective date of this Decree is identified thereafter or is being considered for settlement, regulations deemed beneficial to violators shall prevail.

#### **Article 5. Responsibility for implementation of the Decree**

1. The Ministry of Culture, Sports and Tourism shall assume the prime responsibility for, and coordinate with relevant Ministries and sectors in guiding and organizing implementation of this Decree.

2. Ministers, Heads of ministerial-level agencies, Heads of Governmental agencies, chairpersons of People’s Committees of provinces and central-affiliated cities shall implement this Decree./.

**ON BEHALF OF THE GOVERNMENT  
PRIME MINISTER**

**Nguyen Xuan Phuc**

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