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**SOCIALIST REPUBLIC OF VIETNAM
Independence - Freedom – Happiness**

Hanoi, December 23, 2021

DECREE

ELABORATING CERTAIN ARTICLES AND ENFORCEMENT OF THE LAW ON HANDLING OF ADMINISTRATIVE VIOLATIONS

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

Pursuant to the Law on Handling of Administrative Violations dated June 20, 2012; The Law on amendments to certain Articles of the Law on Handling of Administrative Violations dated November 13, 2020;

At the request of the Minister of Justice of Vietnam;

The Government of Vietnam promulgates a Decree elaborating certain Articles and enforcement of the Law on Handling of Administrative Violations.

Chapter I

GENERAL PROVISIONS

Article 1. Scope

This Decree elaborates certain Articles and enforcement of the Law on Handling of Administrative Violations including:

1. Entities against whom administrative penalties are imposed.
2. Regulations on administrative violations and administrative penalties.
3. Applications of regulations on administrative penalties.
4. State management of enforcement of laws on handling of administrative violations.

Article 2. Regulated entities

1. Authorities competent to manage the enforcement of laws on handling of administrative violations.

2. Authorities and individuals competent to handle administrative violations.
3. Agencies, organizations and individuals relative to the enforcement of laws on handling of administrative violations.

Article 3. Entities against whom administrative penalties are imposed.

1. Entities against whom administrative penalties are imposed prescribed in clause 1 Article 5 of the Law on Handling of Administrative Violations.
2. Administrative penalties will be imposed upon an organization if the following conditions are fully satisfied
 - a) The organization is a juridical person under regulations of civil laws or other organizations are established as prescribed by laws;
 - b) Administrative violations are committed by representatives, people appointed to act on the organization's behalf or people committing violations under direction, control, assignment and approval of organizations and these violations prescribed in decrees on administrative penalties in various state management fields.
3. Penalized organizations are prescribed specifically in decrees on administrative penalties in various state management fields.
4. For branches, representative offices and business locations committing administrative violations within the authorization scope and time limit of juridical persons and organizations or under their direction, control, assignment and approval, these juridical persons and organizations against whose administrative penalties shall be imposed according to fines applicable to organizations for activities organized by branches, representative offices and business locations of these juridical persons and organizations.

For branches, representative offices and business locations of juridical persons and organizations committing administrative violations beyond the authorization scope and time limit of legal entities and organizations or beyond their direction, control, assignment and approval, these branches, representative offices and business locations on whose administrative penalties shall be imposed according to fines applicable to organizations for activities organized by branches, representative offices and business locations of these legal entities and organizations.

5. Household businesses, households and communities that commit administrative violations shall be subject to fines imposed on individuals committing administrative violations. Representatives of household businesses, owners of households, leaders of communities shall be responsible for implementation of decisions on administrative penalties for household businesses, households and communities.
6. In case officials, public employees, members of the People's Army and the People's Public Security Forces and cipher officers who commit violations whilst being on their official duties

and missions and these violations belong to the official duties and missions, they shall be not subject to penalties according to regulations of laws on handling of administrative violations but they shall be handled as prescribed by relative laws.

The state authorities which commit violations belonging to the state management missions shall be not subject to penalties as prescribed by laws on handling of administrative violations but shall be handled according to regulations of relevant laws.

Chapter II

REGULATIONS ON ADMINISTRATIVE VIOLATIONS AND ADMINISTRATIVE PENALTIES

Article 4. Regulations on administrative violations, penalties, fines and remedial measures in decrees on administrative penalties in various state management fields

1. Regulations on administrative violations must satisfy the following requirements:
 - a) Violations must be relative to obligations, liabilities, prohibitions of laws on administrative management order in various state management fields;
 - b) Violations must meet requirements for ensuring the state administrative management order;
 - c) Administrative violations must be presented clearly, adequately and specifically to be able to determine violations and impose penalties on them in the reality.
2. Administrative violations prescribed in decrees on administrative penalties in various state management fields must be corresponding and suitable to infringing natures of these violations.

In case an administrative violation belongs to a state management field but relates to another state management field, in order to ensure the completeness, comprehensiveness and uniformity of regulations on administrative penalties, it may refer to the violations prescribed in the decrees on administrative penalties on another field while delimiting power to impose penalties on some titles with powers to impose penalties of this field.

In case the administrative violation has its own factors and characteristics related to the field, place of violation, consequences of the violation and objective factors and conditions that change the nature and seriousness of the violation, in order to meet requirements for the state management, the decree on administrative penalties that do not directly regulate the state management field may provide higher or lower penalties on such violations.

3. Penalties and fines shall be prescribed for each administrative violation and must be based on the following elements:
 - a) Nature and seriousness of violations of the state administrative management order of the violations; for violations that are not serious and simple, warnings must be imposed;

b) Average income and standard of living of the people in each stage of socio-economic development of Vietnam;

c) Level of education and deterrence, reasonableness and feasibility of applying the penalties and fines.

4. Regulations on the penalty frame for each administrative violation must be specific and the gap between the minimum and maximum amount of the penalty frame must be not too large. The penalty frame specified in an article must be arranged in ascending order starting from the smallest amount to the largest amount.

5. Remedial measures shall be prescribed for each administrative violation and must be based on the following requirements:

a) Administrative violations must cause consequences or have the actual possibility of causing consequences;

b) Remedial measures must satisfy requirements for re-recovery in the state administrative management order caused by administrative violations;

c) Remedial measures must be performed clearly, adequately and specifically to be able to apply to the reality and must ensure the practicability.

6. For practising licenses or certificates, operation registration forms erased or repaired for falsifying contents, remedial measures including forcible resubmission of such practising licenses or certificates, operation registration forms to authorities, competent persons who have issued such practising licenses or certificates or registration forms.

Article 5. Regulations on fixed-term suspension of practising licenses or certificates, fixed-term suspension of operations or confiscation of exhibits and means of administrative violations for administrative violations specified in decrees on administrative penalties in various state management fields

1. Basis for suspension of practising licenses or certificates for administrative violations:

a) Direct violations against activities stated in practising licenses or certificates;

b) Violations with serious nature and seriousness against the state administrative management order.

2. Do not suspend practising licenses or certificates for the fixed term in case there are law regulations on revocation of practising licenses or certificates.

3. Regulations on fixed-term partial suspension of operation for administrative violations committed by manufacturers, businesses and service establishments must include licenses according to regulations of laws on the basis of the following:

- a) Direct violation against activities specified in licenses;
 - b) Violations with serious nature and seriousness against the state administrative management order.
 - c) Administrative violations must cause consequences or have the actual possibility of causing serious consequences for human life, health, environment and social security and order.
4. Regulations on fixed-term suspension of operation for manufacture, business and service establishments must include licenses according to regulations of laws in case there are law regulations on revocation of licenses.
5. Regulations on fixed-term partial or full suspension of operation for administrative violations of manufacture, business and service establishments or other operations do not require licenses according to regulations of laws on the basis of nature and serious seriousness of violations against the state administrative management order or serious consequences for human life, health, environment and social security and order that such violations have actual possibility of causing that.
6. In case exhibits and means of administrative violations are drugs, weapons, explosives, combat gears, objects of historical and cultural worth, national treasures, antiques, precious forest products and objects banned from storage or circulation, they must be confiscated. For other cases, regulations on the confiscation of exhibits and means of administrative violations must be based on one of the following:
- a) Violations are constituted by deliberate faults or serious violations;
 - b) Objects, money, goods, and means are direct exhibits of the administrative violations or are directly used to commit administrative violations.
7. Fixed-term suspension of licenses and practicing certificates or fixed-term suspension of operation or confiscation of exhibits and means of administrative violations which are primary or additional penalties for specific administrative violations specified in decrees on administrative penalties must be based on Articles 21, 25 and 26 of the Law on Handling of Administrative Violations, clauses 1, 2, 3, 4, 5 and 6 of this Article and particular nature of each state management field.
8. Duration of fixed-term suspension of practising licenses or certificates or fixed-term suspension of operation for administrative violations must be prescribed in specific time frame and the minimum and maximum gaps between deprivation duration and suspension duration must be not too large.

Article 6. Regulations on power to impose penalties and issue offence notices

1. Power to impose fines of each title must be prescribed specifically in decrees on administrative penalties. For decrees having numerous state management fields, this power must be specifically prescribed for each field.

In case fines for titles prescribed in Articles 38, 39, 40, 41 and 46 of the Law on Handling of Administrative Violations are accounted as percentages of the maximum fines of corresponding fields prescribed in clause 1 Article 24 of the Law on Handling of Administrative Violations, the power to impose fines must be prescribed under specific fines to be specified in decrees on administrative penalties in various state management fields.

2. For state management fields prescribed in clause 3 Article 24 of the Law on Handling of Administrative Violations, in case fines for administrative violations are determined according to the number of times, values of violation exhibits and violation goods, penalties for titles prescribed in Articles 38, 39, 40, 41 and 46 of the Law on Handling of Administrative Violations shall be accounted according to percentages of maximum fines in such fields and must be prescribed in specific fines to be specified in decrees on administrative penalties in various state management fields.

3. In case decrees on administrative penalties prescribe numerous titles of forces with power to impose penalties in many different state management fields that participate in penalties, they must clearly prescribe power to impose penalties of such forces on each particular clause.

4. Persons with power to issue offence notices include persons with power to impose penalties, officials, public employees and persons of the People's Army, People's Public Security and cipher workers on their official duties, missions; aircraft commanders, captains, ship captains and persons assigned to issue offence notices by the aircraft commanders, captains and ship captains.

Titles with power to issue offence notices are specifically prescribed in the decrees on administrative penalties in each state management field.

5. For administrative violations subject to both penalties including primary penalties which are fine and additional penalties which are expulsion, the decrees on administrative penalties in various state management fields must stipulate power to impose penalties on such violations for titles with power to impose penalties of expulsion as prescribed in point dd clause 5 and clause 7 Article 39 of the Law on Handling of Administrative Violations.

Chapter III

APPLICATION OF REGULATIONS ON ADMINISTRATIVE PENALTIES

Article 7. Application of legislative documents to impose penalties on administrative violations

1. The application of legislative documents to impose penalties on administrative violations shall be implemented as prescribed in Article 156 of the Law on Promulgation of Legislative Documents.

2. In case an administrative violation is committed in a period in which there are plenty of valid decrees on administrative penalties in various state management fields but no decree can be determined to apply according to clause 1 of this Article, the application of legislative documents to impose penalties on the administrative violation shall be implemented as follows:

a) If the administrative violation has ended, decrees which are valid at the time of terminating the violation shall be applied to impose penalties;

b) If the administrative violation is being committed, decrees which are valid at the time of discovering the violation shall be applied to impose penalties;

Article 8. Principles for determination of administrative violations, imposition of administrative penalties, remedial measures and force majeure events

1. The determination of an administrative violation which has ended, or is being committed for the purpose of calculating the prescriptive period shall comply with the following principles:

a) The administrative violation which has ended refers to the violation committed once or several times and there are grounds for determining that the violation has been committed completely before the competent authority or person detects the administrative violation;

b) The administrative violation which is being committed refers to the violation which is happening when the competent authority or person detects the administrative violation and such violation still infringes upon the state management order.

2. Administrative penalties and remedial measures shall be only applied when decrees on administrative penalties in various state management fields prescribe the penalties and remedial measures for specific administrative violations, except for cases prescribed in clause 2 Article 65 of the Law on Handling of Administrative Violations.

3. In case the administrative violation has been committed due to objective conditions and circumstances such as an epidemic or due to the obligation to carry out anti-epidemic measures, in order to determine whether to impose administrative penalties or not, persons with power to impose penalties must verify, collect full information, data, documents relating to the administrative violation in order to clarify circumstances of specific cases. In case the epidemic is determined as the direct cause of the administrative violation; if the violator is not able to anticipate disease circumstance and overcome although they took all necessary measures within their abilities, regulations in clause 4 Article 11 of the Law on Handling of Administrative Violations may be applied to avoid administrative penalties.

Article 9. Imposition of fines; fixed-term suspension of practising licenses or certificates; fixed-term suspension of operation; confiscation of exhibits and means of administrative violations and remedial measures

1. The determination of a fine on a particular administrative violation in case there are numerous aggravating and extenuating circumstances shall be applied according to the following principles:

a) Upon determination of fines for violators that involve both aggravating and extenuating circumstances, each extenuating circumstance may cancel out an aggravating circumstance;

b) A specific fine on an administrative violation is the average amount of the penalty frame prescribed for such violation. In case there are at least 02 extenuating circumstances, the minimum amount of the penalty frame shall be imposed; if there are at least 02 aggravating circumstances, the maximum amount of the penalty frame shall be applied.

2. Fixed-term suspension of practising licenses or certificates shall be imposed as follows:

a) In case a violator committing multiple administrative violations that are imposed penalties once of which there are at least 02 violations is imposed fixed-term suspension of various different types of practising licenses or certificates, particular fixed-term suspension shall be imposed for each violation.

In case there are at least 02 violations imposed on fixed-term suspension of the same practising license or certificate, the maximum duration of the use right deprivation time frame of the violation having the longest duration of suspension;

b) In case a violator committing administrative violations in multiple times is subject to penalties on each violation of which there are at least 02 violations imposed on fixed-term suspension of the same practising license or certificate, the maximum amount of the use right deprivation time frame of the violation having the longest duration of suspension;

c) In case the maintaining duration of validity of a practising license or certificate is shorter than the duration of suspension of the practising license or certificate, the duration of deprivation shall be applied as the remaining duration of validity of such practising license or certificate.

3. The power to impose suspension of practising licenses or certificates does not depend on authorities or persons issued such practising licenses or certificates and only depend on the Law on Handling of Administrative Violations.

4. Violators must submit practising licenses or certificates on retention request of persons with powers to impose penalties, except for the case to which preventive measures and measures for assurance of administrative penalty (hereinafter referred to as “preventive measures”), which is impoundment of practising license or certificate are applied as prescribed in clause 7 Article 125 of the Law on Handling of Administrative Violations. The submission of the practising license or certificate must be issued in writing and 01 copy shall be submitted to the violator. In case a

record of retention of the practising license or certificate has been made, the record of retention shall be continuously valid until the expiry date of suspension of the practising license or certificate according to a decision on administrative penalties.

5. Within 02 working days from the day on which the decision on administrative penalties including suspension of the practising license or certificate, competent person made the decision must submit it to the authority that issued the practising license or certificate.

6. A penalty for fixed-term suspension of operation shall be applied as follows:

a) In case a violator who committing multiple administrative violations is subject to penalties at the same time, in which at least 2 violations on which penalties for fixed-term suspension of operation have been imposed, the maximum duration of the suspension time frame of such violation with regulations on the longest suspension duration shall be applied;

b) In case a violator who committing multiple administrative violations is subject to penalties on each violation, in which at least 2 violations on which penalties for fixed-term suspension of operation have been imposed, the maximum duration of the suspension time frame of such violation with regulations on the longest suspension duration shall be applied;

7. The determination of specific time limit of fixed-term suspension of a practising license or certificate and fixed-term suspension of operation for an administrative violation in case there are numerous aggravating and extenuating circumstances shall be applied according to the following principles:

a) Upon the determination of time limit of fixed-term suspension of a practising license or certificate and fixed-term suspension of operation for the administrative violation of the violator having both aggravating and extenuating circumstances, each extenuating circumstance involved shall be equivalent to an aggravating circumstance deduced;

b) The specific time limit of suspension of a practising license or certificate or suspension of operation for an administrative violation is the average duration of deprivation or suspension time frame prescribed for such violation. In case there are at least 02 extenuating circumstances, the minimum duration of the deprivation or suspension time frame shall be applied; if there are at least 02 aggravating circumstances, the maximum duration of the deprivation or suspension time frame shall be applied.

8. Persons with power to confiscate exhibits and means of administration violations prescribed in clause 2 Article 65 and clause 4 Article 126 of the Law on Handling of Administrative Violation are persons with power to impose administrative penalties on such violations.

In case exhibits and means of administrative violations are instruments prohibited from storing and circulating, persons with power to confiscate them shall be determined as prescribed in clause 2 Article 24 hereof.

9. Persons with power to apply remedial measures prescribed in clause 2 Article 65 of the Law on Handling of Administrative Violations are persons with power to impose administrative penalties on such cases.

10. Persons with power to destroy exhibits or means of administrative violations which are products harmful to health of human, animals, plants and environment, and toxic materials as prescribed in clause 5 Article 126 of the Law on Handling of Administrative Violations are persons with power to impose administrative penalties on such cases.

Article 10. Authorization of imposition of administrative penalties

1. Decisions on authorization as prescribed in Article 54, clause 2 Article 87 and clause 2 Article 123 of the Law on Handling of Administrative Violations must include specific scopes, contents and duration of authorization.

A Decision on authorization must consist of a number, specific date, cite, signature and seal; in case an authority or unit of an assignor does not able to use its own seal, a seal without full name of its superior authority shall be put.

On the legal bases, decisions on administrative penalties, decisions on enforcing execution of decisions on penalties, decisions on application of preventive measures of the authorized deputies must clearly state numbers, dates and cites of such authorization decisions.

2. Assignees leading or assuring authorities or units with power to impose penalties shall also have power to impose penalties and be handed over to impose penalties or enforce execution of decisions on penalties, application of preventive measures like their leaders

3. During the authorization period, persons with power to impose administrative penalties specified in clause 1 Article 54 of the Law on Handling of Administrative Violations shall still have the power to impose penalties and enforce execution of decisions on penalties and application of preventive measures.

4. The authorization shall be terminated in one of the following cases:

a) Authorization time limit specified in decisions is over;

b) Delegated tasks have been completed;

c) Superiors terminate the authorization for their inferiors. In this case, the termination of authorization must be decided in writing;

d) Assignors or assignees retire, resign, or are transferred, appointed, left, seconded, resigned, dismissed, demoted or suspended from work as prescribed by law;

dd) Assignors or assignees die, or are declared by the Court as having lost their civil act capacity or been restricted in their civil act capacity, are missing or dead;

e) Assigned tasks have not been finished but such violation cases must be transferred to other competent authorities or persons for handling under regulations of laws;

g) Assignors or assignees are prosecuted or detained to serve investigation, prosecution and adjudication;

h) Conditions for authorization for detention of violators under administrative procedures prescribed in clause 2 Article 123 of the Law on Handling of Administrative Violations no longer exist.

Article 11. Power to impose administrative penalties of Chiefs of specialized inspectorates.

1. A chief of specialized inspectorate are entitled to impose penalties for administrative violations within the scope and content of the inspection in the inspection duration according to regulations of laws on inspection.

When the inspection duration expires according to regulations of laws on inspection but any decision on penalties is made for objective reasons, such violation case must be transferred to persons with power to penalties.

2. If the decision on administrative penalties is filed, the person that has made the decision on inspection shall receive and settle it, or instruct the person that has issued the decision on administrative penalties to handle as prescribed by laws on complaints.

Article 12. Issuing offence notices

1. Issuing and transferring offence notices:

a) A competent person who is on duty must issue an offence notice when he/she detects the violation.

For an act showing signs of an administrative violation that is not under his/her power to issue an offence notice of administrative violation or not in his/her management fields and areas, he/she must make a record of working to record the case and immediately transfer it to a person with power to issue an offence notice;

b) For a case that its exhibits or means must be expertised, verified, inspected or another necessary case, a competent person who is on duty may make a record of working to record the case.

The working record prescribed in points a and b of this clause is one of the bases for issuing the offence notice;

c) If any administrative violation is detected by professional technical equipment, the location where the offence notice is issued shall comply with regulations specified in clause 2 Article 58 of the Law on Handling of Administrative Violations;

d) The transfer of the results achieved from professional technical equipment to persons with power to impose administrative penalties in order to issue offence notices and decisions on imposition of administrative penalties shall comply with the Government's regulations on the list, management and use of professional technical equipment, collection and use of data collected from technical equipment provided by individuals or organizations for the purpose of detecting administrative violations.

2. Time limit for issuing an offence notice:

a) The offence notice shall be issued within 02 working days from the day on which the administrative violation is detected;

b) For the case that consists of multiple complex circumstances or has a large scale and causes effects to legal rights and interests of organizations or individuals, the offence notice shall be issued within 05 working days from the day of detecting the administrative violation;

c) If the administrative violation is detected by professionally technical equipment or it is required to determine the value of exhibits, means of the violation, assess, inspect and verify relevant details, the offence notice shall be issued within 03 working days from the day on which the violator is identified by professionally technical equipment or from the date of receiving the result of valuation of exhibits or means of the violation, assessment, inspection and verification of relevant details;

d) If the administrative violation is committed on an aircraft, ship or train, a person entitled to issue offence notices or the aircraft commander, the captain or ship master shall issue a notice and transfer it to a person entitled to impose penalties for administrative violations within 02 working days from the date on which the aircraft, ship or train arrives at an airport, port or railway station;

dd) If a case having multiple different administrative violations, in which there is an administrative violation which is detected by professionally technical equipment or it is required to determine the value of exhibits, means of the violation, assess, inspect and verify relevant details, the offence notice shall be issued for violations in such case within 03 working days from the day on which the violator is detected by professionally technical equipment or from the date of receiving full result of valuation of exhibits or means of the violation, assessment, inspection and verification of relevant details.

3. Issuing offence notices in some specific cases:

a) Only one offence notice and one decision on penalties shall be issued for each administrative violation. In case a violation has been issued in writing and a decision on penalties is not issued but a violator fails to comply with requests and orders of the competent person, and still deliberately commit the violation, the competent person must apply appropriate preventive measures to terminate the violation. Upon making the decision on penalties for such violation, the person with power to impose penalties may apply aggravating circumstances as specified in point i clause 1 Article 10 of the Law on Handling of Administrative Violations or impose

penalties on the violation of failing to implement requests and orders of the competent person in case that decrees on administrative penalties in the corresponding state management fields have regulations and penalties for violations having offence notices which have been issued and decisions on penalties which have not been issued;

b) In case a violator commits multiple different administrative violations in the same violation case, the competent person shall issue the offence notice, in which each violation shall be clarified;

c) In case multiple violators commit an administrative violation in the same violation case, the competent person may issue one or multiple offence notice(s) for each violator. In case value of exhibits or means of administrative violation is different, the competent person must clarify the value of each violator's exhibit or mean of violation;

d) In case multiple violators commit multiple different administrative violations in the same violation case, the competent person may issue one or multiple offence notice(s), in which each violator's violation shall be clarified;

dd) In case a violator commits an administrative violation in multiple times, the competent person shall issue an offence notice, in which each violation and each time of violation shall be clarified.

4. A record of administrative violation must consist of the following main contents:

a) Recording time and venue;

b) Full name and position of the record maker;

c) Information about the violator and individuals or entities involved;

d) Time and location when and where the violation occurs;

dd) Specific and adequate case or violation description;

e) Preventive measures

g) Testimony of the violator or legal or authorized representative of the violating entity;

h) Testimony of the witness, the victim or representative of the organization suffering loss or damage (if any); opinions of the parents or guardian in case the violator is a minor (if any);

i) Rights and time limit of explanation about the administrative violation of the violator, and authority receiving explanation of the competent person; if the violator refuses to explain, his/her opinion must be clarified in the record;

k) Time and location when and where the violator or representative of the violating entity must be present to settle the case;

l) Full name of the receiver, time of receiving the notice in case the record is transferred in person.

5. Signing offence notices:

a) An offence notice must include at least 02 copies and must be signed by the record maker and the violator or representative of the violating entity, except for records which are made according to regulations in clause 7 of this Article 58 of the Law on Handling of Administrative Violations; in case the violator fails to sign, he/she must sign by pressing his/her finger-print; if there are witnesses, interpreters, victims or representatives of the organization suffering damage, they must both sign the records; in case the record consist of multiple pages, each page of the record must be signed;

b) In case the violator or representative of the violating entity is not present at the place of violation or deliberately evades or fails to sign or press his/her finger-print in the notice for an objective reason or has presence but refuses to sign or press fingerprint in the record or in case the violator cannot be identified, the record must include a signature of the representative of communal authority where the violation occurred or of at least one witness to confirm that the violator has not signed in the record; in case there is no signature of representative of communal authority or the witness, reasons for that must be clarified in the record.

6. Transferring the offence notice:

a) One copy of the offence notice completely issued must be transferred to the violator, except for cases that cannot identify violators. In case the offence notice marker is not entitled to impose penalties on the administrative violation, the notice and other documents must be transferred to a person with power to impose penalties within 24 hours from the time of making the record;

b) In case the violator is a minor, the notice will also be sent to his/her parents or guardian;

c) In case the violator and/or representative of violating organization is/are absent from place of issuing offence notice(s) or is/are present but refuses to receive or has bases to believe that the violator evades receiving the record, the transfer of the offence notice shall comply with regulations in Article 70 of the Law on Handling of Administrative Violations on the submission of decisions on administrative penalties for execution.

7. Records of administrative violations made and sent electronically as prescribed in clause 7 Article 58 of the Law on Handling of Administrative Violations shall comply with regulations in decrees on administrative penalties in various state management fields in a manner that is suitable for each field's nature.

8. If persons with power to issue offence notices or relative entities having failures in late transferring offence notices or dossiers of violation cases leading to the time limit for making decisions on penalties is over, they are subject to handling as prescribed by laws.

Article 13. Cancellation and promulgation of new decisions on administrative penalties

1. A person promulgated a decision by himself/herself or on request of persons prescribed in clause 3 Article 18 of the Law on Handling of Administrative Violations must promulgate a decision on cancellation of all the contents of the decision in one of the following cases:

- a) Failure in determination of the violator;
- b) Violation against regulations on power to promulgate decisions;
- c) Violations against regulations on procedures for promulgating decisions;
- d) Cases prescribed in clause 1 Article 12 of the Law on Handling of Administrative Violations;
- dd) Cases prescribed in clause 6 Article 12 of the Law on Handling of Administrative Violations;
- e) Cases prescribed in clause 10 Article 12 of the Law on Handling of Administrative Violations;
- g) Cases prescribed in clause 3 Article 62 of the Law on Handling of Administrative Violations;
- h) Cases of failure to make decisions on penalties prescribed in clause 1 Article 65 of the Law on Handling of Administrative Violations.

2. Persons specified in clause 3 Article 18 of the Law on Handling of Administrative Violations shall make decisions on cancellation of all erroneous decisions under their power if persons promulgated decisions fail to cancel the decisions as prescribed in clause 1 of this Article.

3. For cases prescribed in points a, b, c, dd and e clause 1 of this Article, if there are bases to promulgate new decisions, the persons promulgated decisions must promulgate new decisions or transfer them to persons with power to promulgate new decisions.

For the case prescribed in point h clause 1 of this Article, if exhibits or means of administrative violations banned from storage or circulation or subject to penalties for confiscation or remedial measures against administrative violations under laws, competent persons who have promulgated the decisions must promulgate new decision or transfer them to persons with power to promulgate new decisions for confiscation and application of remedial measures.

Article 14. Correction, amendment and partial cancellation of decisions on administrative penalties

1. Persons who have promulgated decisions by themselves or on request of persons prescribed in clause 3 Article 18 of the Law on Handling of Administrative Violations shall have responsibilities for correction of their decisions upon having errors in drafting techniques.

2. Persons who have promulgated decisions by themselves or on request of persons prescribed in clause 3 Article 18 of the Law on Handling of Administrative Violations shall have responsibilities for amendment and/or partial cancellation of decisions if these decisions have errors or violations that do not fall under cases specified in clause 1 Article 13 of this Decree and clause 1 of this Article.

3. Decisions on correction, amendment and/or partial cancellation of decisions on administrative penalties shall be stored among penalty records.

Article 15. Time limit for implementation and contents of correction, amendment and partial or complete cancellation of decisions on administrative penalties

1. Time limit for correction, amendment and partial or complete cancellation of a decision:

a) Time limit for correction, amendment and partial cancellation of the decision is 01 year from the date on which the competent person promulgates the decision having errors. In case the prescriptive period prescribed in point a clause 1 Article 6 of the Law on Handling of Administrative Violations ends, the correction, amendment or partial cancellation of the decision shall be not implemented;

b) Time limit for complete cancellation of decisions promulgated from the date on which the Law on Administrative Violations takes effect and fall under cases prescribed in clause 1 Article 13 of this Decree is not prescribed.

2. There is no time limit for correction, amendment and partial cancellation of the decision prescribed in point a clause 1 of this Article in the following cases:

a) The penalty decision applying the confiscation of exhibits or means of administrative violations and remedial measures prescribed in clause 1 Article 74 of the Law on Handling of Administrative Violations;

b) The case that has a decision on handling complaints of a person or authority with power to handle complaints about mandatory amendment and partial cancellation of the decision;

c) The case that involves contents of denunciation of a person or authority with power to handle the denunciation of mandatory amendment and partial cancellation of the decision;

d) The case that having a judgment or decision of the Court on the amendment and partial cancellation of the decision that is filed a lawsuit.

3. For the case prescribed in clause 3 Article 13 of this Decree, if there is a ground for promulgating a new decision, a competent person must make a record of confirming

circumstances of the case of administrative violation according to Article 59 of the Law on Handling of Administrative Violations.

The time limit for promulgating the new decision is under regulations of clause 1 Article 66 of the Law on Handling of Administrative Violations from the date on which the record of confirming circumstances of the case of administrative violations.

4. The decision applying the confiscation of exhibits or means of administrative violations and remedial measures shall only be corrected, amended and partially cancelled as prescribed in point a clause 2 of this Article on the confiscation of exhibits or means of administrative violations and the application of remedial measures.

Article 16. Effect, time limit and prescriptive period for enforcement of decisions on correction, amendment, partial or complete cancellation or new decisions on administrative penalties

1. Decisions on correction, amendment and partial or complete cancellation and new decisions shall take effect from the date on which they are signed or at specific day after these decisions are signed and recorded on these decisions.

2. Time limit for enforcing decisions on correction, amendment and partial cancellation or new decisions shall be 10 days from the date on which violators receive the decisions; in case a new decision has a term of enforcement of more than 10 days, it shall comply with that term.

3. Prescriptive period for enforcement of decisions on correction, amendment and partial cancellation or new decisions:

a) Prescriptive period for enforcement of decisions on correction, amendment and partial cancellation or new decisions shall be 01 year from the date on which the decisions are made;

b) In case it is necessary to make a/an correction, amendment and partial cancellation or promulgation of new decisions multiple times, prescriptive period shall be 02 years from the date on which decisions on correction, amendment and partial cancellation are made;

Decisions are no longer valid beyond the time limit prescribed in points a and b of this clause unless the case that a decision on penalties applies confiscation of exhibits, means of administrative violation or remedial measures;

d) In case a penalized organization or individual (hereinafter referred to as “penalized violators”) deliberately shirks or delays implementation of the decisions, the above-mentioned prescriptive period shall begin from the date on which the act of shirking or delaying terminates.

Article 17. Explanation

1. In case a violator does not send a written explanation to a person with power to impose administrative penalties or a petition for extension of the time limit for explanation within the

time limit prescribed in clause 2 Article 61 of the Law on Handling of Administrative Violations or clarified in the offence notice on failure to explain, the person with power to impose penalties shall promulgate a decision on penalties within the time limit prescribed in point a clause 1 Article 66 of the Law on Handling of Administrative Violations.

In case a violator has a request for explanation according to regulations of clauses 2, 3, and 4 Article 61 of the Law on Handling of Administrative Violations, the person with power to impose penalties shall promulgate a decision on penalties within the time limit prescribed in points b and c clause 1 Article 66 of the Law on Handling of Administrative Violations.

2. In case a violator has a request for explanation after refusing it before ending the time limit prescribed in clauses 2 and 3 Article 61 of the Law on Handling of Administrative Violations, the person with power to impose administrative penalties shall be responsible for consideration of the violator's explanation according to procedures prescribed in clauses 2 and 3 Article 61 of the Law on Handling of Administrative Violations unless it is required to immediately take remedial measures for destroying products that threaten the health of humans, animals, plants and the environment, take measures for controlling the environmental pollution, the spread of epidemics or diseases from exhibits of administrative violations including live animals, plants, products that are easy to decay and difficult to preserve or are likely to cause the environmental pollution or the spread of epidemics or diseases.

3. The explanation and consideration of explanations shall be made into written documents and they shall be stored among penalty records.

4. Upon making a record of administrative violation, if no person with power to impose penalties is determined, each violator shall send a written explanation to a person with power to make records. The person with power to make records shall transfer the case's dossier and the written explanation to the person with power to impose penalties immediately after determining the power to impose administrative penalties on that person.

Article 18. Release of administrative penalties for violators on mass media

1. For a violation that must be released as prescribed in Clause 1 Article 72 of the Law on Handling of Administrative Violations, the head of an authority or unit that make a decision on penalties shall send a written notification of the release and a copy of the decision on administrative penalties to a website or newspaper of an agency of ministry, department or the People's Committee where the administrative violation is committed within 03 working days from the day on which the decision on penalties is made.

In case of correction, amendment and cancellation of decisions on administrative penalties or promulgation of new decisions, the release is also required as prescribed in this clause.

2. Information to be disclosed includes: Full name, date of birth, identity card or citizen identification number or personal identification number, nationality of the violator or name and address of the violating organization; administrative violation; form of penalty; remedial measures and implementation duration.

3. Head of the press agency or the person responsible for managing contents of websites and the time limit for release shall:

a) Publish all information that needs to be released within 02 working days from the date on which it receives a written notification of release and a copy of decision on administrative penalties;

b) Publish information about each decision on penalties at least 01 time and duration of the release is at least 30 days;

c) Publish corrections within 01 working day on the website or the next issue of the newspaper from the date on which it receives requests for corrections.

4. Head of the agency where the person who has made the decision on administrative violations works for shall:

a) Be responsible for released contents;

b) Correct wrong information within 01 working day from the date on which it detects the wrong information or receives requests for correction.

5. Correct wrong information:

In case a website or newspaper incorrectly releases information prescribed in clause 2 of this Article, it is required to correct right columns or positions where wrong information is published during 24 hours from the time of detecting the wrong information and receiving requests for correction on the website or the next issue of the newspaper and pay for the correction;

b) The correction shall be made in 01 time for each decision on administrative penalties and duration of publishing is at least 30 days.

6. In case the penalty cannot be released on time as prescribed in clause 1 of this Article because of force majeure, the person who responsible for releasing the penalty must directly report to the superior head and release it immediately after the force majeure is controlled.

7. Expenses for release and correction of wrong information shall be covered by regularly operating expenses from the office of the competent person who has made the decision on administrative violation.

8. For people who commit violations prescribed in clauses 1, 2, 3, 4, 5 and 6 of this Article shall, depending on nature and seriousness of violation, be disciplined, or must be reimbursed in accordance with laws on state's compensation liability in case of causing damages.

Article 19. Enforcement of decision on administrative penalties in case penalized people die, go missing or penalized organizations dissolve or go bankrupt

1. In case a penalized person dies or goes missing or a penalized organization dissolves or goes bankrupt as prescribed in Article 75 of the Law on Handling of Administrative Violations and the penalty decisions still valid, the person who issues the penalty decision must make a decision on partial enforcement of the decision on administrative penalties within 60 days from the date on which the penalized person dies written in his/her death certificate; the penalized person goes missing recorded in the decision to declare the person missing; from the date on which the business organization notifies the dissolution; from the effective date of the decision to declare bankruptcy. The decision on enforcement shall include the following contents:

- a) Suspension of enforcement of penalties and reasons for suspension; except for the cases specified in point b of this Clause;
- b) Maintenance of penalties for confiscation of exhibits or means of administrative violations and remedial measures.

2. Responsibilities for enforcement of penalties for confiscation of exhibits or means of administrative violations and application of remedial measures in case penalized people die, go missing or penalized organizations dissolve, go bankrupt:

- a) Individuals and organizations that are managing exhibits or means of administrative violations shall be responsible for enforcing penalties for confiscation of exhibits or means of administrative violations;
- b) Individuals who come into inheritances determined as prescribed by civil laws on inheritance shall continue to implement remedial measures within scopes of the inheritances.

3. Submission of decisions on partial enforcement of decisions on administrative penalties:

- a) Decisions on partial enforcement of decisions on administrative penalties in case penalized organizations dissolve or go bankrupt must be sent to authorities, organizations and individuals with power to settle the dissolution or bankruptcy; legal representatives of these penalized organizations for enforcement of penalties;
- b) Decisions on partial enforcement of decisions on administrative penalties must be sent to individuals or organizations prescribed in clause 2 of this Article and point a of this clause within 03 working days from the date on which decisions are issued.

4. Procedures for partial enforcement of decisions on administrative penalties:

- a) Procedures for partial enforcement of the decisions on administrative penalties prescribed in point b clause 1 of this Article shall be implemented according to regulations of section 2 Chapter III Part 2 of the Law on Handling of Administrative Violations;
- b) If individuals or organizations prescribed in clause 2 of this Article fail to implement remedial measures by the time limit for enforcing the decisions, authorities of people with power to

impose penalties that are handling the administrative violation cases must organize implementation of them.

Expenses for implementing remedial measures shall be reduced from value of inherited property that penalized people have left or the remaining property of penalized organizations after dissolution or bankruptcy that is considered as an item of the priority payment expenses (if any).

5. If penalized people die without inheritances, or penalized organizations dissolve or go bankrupt without remaining property, remedial measures shall be taken in accordance with clause 4 Article 85 of the Law on Handling of Administrative Violations.

6. Inheritors of penalized people who are dead or missing, or legal representatives of penalized organizations that are dissolved or bankrupted are entitled to supervise and file lawsuits against expenses and payment for expenses for implementing remedial measures prescribed in Clause 4 this Article.

Article 20. Forms and procedures for collection and payment of fines

1. Violators pay fines according to one of the following forms:

a) Direct payment of cash at State Treasuries or at commercial banks where State Treasuries open their accounts specified in penalty decisions;

b) Transfer to accounts of State Treasuries written in penalty decisions via National Public Service portal or electronic payment services of banks or intermediary payment service providers;

c) Direct payment to people with power to impose penalties as prescribed in Clause 1 Article 56, Clause 2 Article 78 of the Law on Handling of Administrative Violations, or direct payment to port authorities or airport representatives if penalized people are passengers that transit to Vietnam to take international flights from Vietnam, aircrews who are working on flights to Vietnam; aircrews of foreign airlines that operate international flights from Vietnam;

d) Payment of fines for administrative violations committed in the field of road traffic to state treasuries according to regulations of points a, b and c clause 1 of this Article or by public postal services.

2. Procedures for payment of fines:

a) In case penalized individuals do not stay or penalized organizations are not located at places of violations while only fines are imposed, persons with power to impose penalties for decisions on paying fines prescribed in point b clause 1 of this Article and send them to violating individuals or organizations via posts by guaranteed forms within 02 working days from the date on which penalty decisions are issued;

b) Penalized violators shall pay to accounts of state treasuries as written in penalty decisions within the time limit prescribed in Clause 1 Article 73 of the Law on Handling of Administrative Violations;

c) Within 05 working days from the day on which fines are paid to accounts of state treasuries in person or by public post, person that impounded the documents for ensuring penalties according to regulations in clause 6 Article 125 of the Law on Handling of Administrative Violations must return impounded documents to penalized organizations or individuals by post with guaranteed forms for direct payment or via public postal services for indirect payment. Expenses for submission of sanctioning decisions and return of documents shall be paid by penalized violators;

d) Penalized violators may receive impounded documents in person or via legal representatives or authorized representatives.

3. In case penalized violators defer fines as prescribed in clause 1 Article 78 of the Law on Handling of Administrative violations, collecting authorities shall base on sanctioning decisions to calculate and collect late fine payment interests.

4. Decisions on suspension of sanctioning decision; reduction or exemption of the remaining fine or the whole fine; fine payment by installments must be made in writing.

Duration of consideration and decision of reduction or exemption of the remaining fine or acceptance of fine payment by instalments shall not be included in the duration of fine deferral.

5. Fines shall be collected, paid or refunded according to regulations of the Government of Vietnam on administrative procedures in the field of State Treasury.

6. The Minister of Finance of Vietnam shall provide guidance on the collection and transfer of fines for administrative violations specified in Clauses 1, 2 and 3 of this Article; the method of calculating and offsetting differential fines (if any) in case there are decisions on correction, amendment, cancellation or issuance of new decisions on administrative penalties.

Article 21. Documents of collection and transfer of fines and late fine payment interests for administrative violations

1. Documents of collection and transfer of fines and late fine payment interests shall be uniformly printed, issued, managed and used nationwide or electronic documents of transferring to state budget as prescribed by laws to confirm the payments to collecting authorities. Documents of collection and transfer of fines and late fine payment interests for administrative violations must be stored in among penalty records as prescribed by laws on archives.

2. Documents for collection and transfer of fines and late fine payment interests shall include:

a) Fine receipts which must have pre-printed face values used for on-site fine collection as prescribed in clause 2 Article 69 and clause 2 Article 78 of the Law on Handling of

Administrative Violations in case the fine is up to 250.000 VND for individuals and 500.000 VND for organizations;

b) Fine receipts that do not have pre-printed face values used to collect fines for the other administrative violation cases and late fine payment interests;

c) Money transfer letters and electronic documents submitted to the state budget (if any);

d) Certificates of transfer of fines for road traffic offences issued by public postal service providers (if any);

dd) Other documents under regulations of laws.

3. Fine receipts shall be issued as follows:

a) The Ministry of Finance shall provide fine receipts to authorities and units having persons with power to impose administrative penalties and authorities and organizations that collect fines for administrative violations according to laws.

Postal service providers shall print and manage certificates of payment of fines for road traffic offences via public postal services;

b) Issuing authorities or organizations must make written notifications before bringing the first specimen of fine receipts for administrative violations to use or certificates of payment of fines for road traffic offences;

c) Organizations and individuals provided with fine receipts, certificates of payment of fines for road traffic offences must manage and use them as prescribed in this Decree and other relevant law provisions.

4. Documents of collection and transfer of fines and late fine payment interests shall be used as follows:

a) Upon using fine receipts, fine collectors must compare the information on sanctioning decisions on administrative penalties and the information on the fine receipts. The total fine amounts specified in the fine receipts must be consistent with the fine amounts specified in sanctioning decisions;

b) Upon collecting late fine payment interests according to clause 1 Article 78 of the Law on Handling of Administrative Violations, the information on fine receipts must include collected amount and fine deferral;

c) Fine payers may refuse to pay fines or request the refund of paid fines if they detect that fine receipts or collection documents are not conformable with regulations, decisions on administrative penalties, fines and late fine payment interests (if any) and notify to agencies in charge of fine collection for prompt settlement.

5. Management of fine receipts:

a) Fine receipts must be managed under the current management regime suitable for each type of receipts;

b) Authorities and organizations provided with fine receipts must open books to monitor the receipt, delivery and preservation of receipts in accordance with the current accounting regime; make monthly and quarterly reports on the use of fine receipts; make annual statements of fine receipts in accordance with laws;

c) Destruction of fine receipts must comply with law provisions applicable to each type of receipts.

6. Electronic documents sent to the State budget shall be issued and used in accordance with regulations of laws.

7. The Minister of Finance shall specify contents and forms of fine receipts, and other collection documents; print, issue, manage, and use fine receipts, and late fine payment interests, except for certificates of fine payment for road traffic offences by using the public postal services prescribed in Clause 3 this Article.

Article 22. Transfer of decisions on administrative penalties for organizing implementation

1. Authorities of persons making decisions on administrative penalties for cases mentioned in Clause 1 and Clause 2 Article 71 of the Law on Handling of Administrative Violations shall transfer all original documents and relevant papers to authorities receiving sanctioning decisions for implementation of them. Exhibits and means of administrative violations which are impounded or confiscated (if any) shall be transferred to authorities receiving sanctioning decisions for implementation of them.

The transfer of exhibits and/or means of administrative violations to authorities receiving sanctioning decisions for implementation of them must be recorded in writing.

2. Consideration for deferring, reducing or exempting fines in case of transferring sanctioning decisions for organization of implementation:

a) If penalized violators propose for deferral of, reduction in or exemption from fines as prescribed in Article 76 and Article 77 of the Law on Handling of Administrative Violations, competent persons of authorities receiving sanctioning decisions for implementation shall receive, consider and decide the deferral, reduction or exemption and notify it to the proposers and persons with power to issue decisions on administrative penalties for consideration and provision of reasons in case of disagreeing with the deferral, reduction or exemption;

b) If penalized violators send written requests for deferral of or reduction in or exemption from fines to persons with power to issue decisions on administrative penalties, these persons shall receive and transfer such requests to competent persons at authorities receiving sanctioning

decisions specified at point a of this Clause for consideration and decision on the deferral, reduction or exemption.

3. If penalized violators do not voluntarily comply with sanctioning decisions as prescribed in Clause 1 Article 73 of the Law on Handling of Administrative Violations, competent persons at the authorities receiving sanctioning decisions shall issue decisions on enforcing implementation of decisions on administrative penalties as prescribed by laws.

4. Where exhibits are impounded as prescribed in Clause 3 Article 71 of the Law on Handling of Administrative Violations and exhibits or means of administrative violations are real estate, airplanes, ships, inland watercraft, cargo and vehicles that are bulky, difficult to transport and have high transport costs, authorities of persons issuing decisions on administrative penalties shall still apply sanctioning decisions for organizing implementation.

Article 23. Management of exhibits and means illegally owned or used for administrative violations in cases of confiscation

1. For exhibits and means impounded due to being illegally owned or used for administrative violations in case of confiscation, regulations of clause 1 Article 126 of the Law on Handling of Administrative Violations shall be applied. In this case, violators must pay amounts equal to the value of the exhibits and means of violations to the State budget.

In case an amount equal to the value of exhibits or means of violation is paid in a case involving many violators, these violators shall all pay an amount equal to the value of exhibits or means of administrative violations to the state budget according to rate decided by persons with power to impose penalties under sanctioning decisions, unless violators reach written agreements on such payment and send them to persons with power to impose penalties within the time limit for issuance of decisions on administrative penalties specified in Article 66 of the Law on Handling of Administrative Violations.

2. For an exhibit or mean of administrative violation confiscated that are registered as collateral according to regulations of civil laws, it shall be handled as follows:

a) The mortgagee may receive back the exhibit, mean or a value equivalent to its secured obligation; the violator must pay an amount equivalent to the value of the exhibit or mean of administrative violation to the state budget;

b) The mortgagee shall send a written notification of result of handling the collateral to a person with power to impose administrative penalties within 03 working days from the date on which he/she receives the result of handling the collateral which is the exhibit or means of administrative violation confiscated. In case the collateral has higher value after handling than the value of the secured obligation, but the violator fails to pay enough amount equal to the value of the exhibit or mean of administrative violation to the state budget, the mortgagee shall transfer the differential value of the collateral to the state budget within 05 working days from the date the written notification of result of handling the collateral is made;

b) If the mortgagee fails to transfer the differential value of the collateral which is an exhibit or mean of administrative violation eligible for confiscation in the prescribed period, he/she shall be penalized according to regulations of laws on administrative penalties for offences related to currency and bank or other relevant fields.

3. Depending on the specific type of exhibit or mean, the value of exhibit or mean of violation shall be determined on the basis of one of the grounds prescribed in clause 2 Article 60 of the Law on Handling of Administrative Violations to identify the equivalent amount that the violator must pay to the state budget. The competent person who is handling the case shall determine value of the exhibit or mean of violation.

In case it is unable to apply grounds prescribed in clause 2 Article 60 of the Law on Handling of Administrative Violations, the competent person who is handling the case must establish an assessment board. The assessment board is established according to regulations of clause 3 Article 60 of the Law on Handling of Administrative Violations.

4. The form and procedures for collection and transfer of the amount equal to the value of exhibit or mean of violation to the state budget shall comply with regulations of Article 21 of this Decree.

Article 24. Identification of power to impose penalties for exhibits or means of administrative violations which are products prohibited from possession or circulation

1. In case decrees on administrative penalties for state management offences prescribe the value or quantity of products prohibited from possession or circulation and fines for violations having exhibits or means of administrative violation which are products prohibited from possession or circulation, power to impose penalties shall be identified according to regulations of Chapter II Part 2 of the Law on Handling of Administrative Violations and regulations of decrees on administrative penalties.

In case exhibits or means of administrative violations which are products prohibited from possession or circulation are not prescribed in the above-mentioned case, the determination of their values is not required but the case dossiers must be transferred to persons with power to impose penalties as prescribed in Clause 2 of this Article.

2. Power to impose penalties for exhibits or means of administrative violations which are products prohibited shall be identified according to the following principles and orders:

a) If a competent person who is handling a violation case is the person with the highest power to impose penalties for state management offences, the power to impose penalties shall still belong to such person;

b) If a competent person who is handling a violation case is not the person with the highest power to impose penalties for state management offences or is not the President of the provincial People's Committee, he/she must transfer the violation case to the President of the provincial

People's Committee where the violation occurred or the person with the highest power to impose penalties for state management offences to issue a sanctioning decision.

3. Power to decide temporary confiscation of exhibits or means of administrative violations which are products prohibited from possession or circulation shall be implemented according to clause 3 Article 125 of the Law on Handling of Administrative Violations.

Article 25. Administrative penalties for minors

1. When enforcing administrative penalties on minors, in case their exact ages cannot be determined to apply sanctioning forms, persons with power to impose penalties shall choose to apply sanctioning forms in favour of violating minors.

2. Before deciding to impose warnings against minors committing administrative violations, persons with power to impose penalties must consider conditions for applying reminder measures as prescribed in Article 139 of the Law on Handling of Administrative Violations and Article 26 of this Decree. Decisions to impose warnings on minors only made when conditions for applying reminder measures are not satisfied.

Article 26. Reminder measures

1. Reminder measures refer to measures of education which are applied in substitution of warnings against minors who commit administrative violations so that minors can be aware of their violations.

2. Entities and requirements for applying reminder measures:

a) Minors aged from 14 to under 16 who are imposed on administrative penalties when they voluntarily declare, admit and sincerely apologize for their violations;

b) Minors aged from 16 to under 18 who are imposed on administrative penalties when their administrative violations are prescribed as warnings and they voluntarily declare, admit and sincerely apologize for their violations.

3. Persons with power to impose penalties shall consider and decide to apply reminder measures based on requirements specified in clause 2 of this Article. The reminder shall be given in word, on the spot of violation and shall not be recorded in writing.

Article 27. Responsibilities of persons with power to impose administrative penalties on duty

1. Upon enforcing administrative penalties, persons with power to impose administrative penalties must:

a) have orders or decisions to do duties issued by competent authorities, wear uniforms, military uniforms, badges of authorities or use inspection cards, cards of officials performing specialized inspection tasks as prescribed by laws;

b) handle in a prompt manner, in accordance with nature and seriousness of violations and in accordance with provisions of laws on administrative penalties, orders, charters and regulations of each authority;

c) be serious and gentle in performing official duties.

2. People committing violations against regulations in Clause 1 of this Article or regulations on prohibited acts specified in Article 12 of the Law on Handling of Administrative Violations or other provisions of laws, depending on the nature and seriousness of violations that result in disciplinary action or criminal prosecution; upon causing damage, compensation must be made according to laws on compensation liability of the state.

Article 28. Handling of responsibilities for enforcement of laws on handling of administrative violations

Persons and authorities with power to enforce laws on handling of administrative violations shall, depending on specific cases, consider and handle their according to regulations of the Government of Vietnam or regulations of relevant laws.

Chapter IV

STATE MANAGEMENT OF ENFORCEMENT OF LAWS ON HANDLING OF ADMINISTRATIVE VIOLATIONS

Section 1. CONTENTS OF STATE MANAGEMENT OF ENFORCING LAWS ON HANDLING OF ADMINISTRATIVE VIOLATIONS

Article 29. Developing and completing laws and monitoring enforcement of laws on handling of administrative violations

1. Research, review, develop and complete policies and laws on handling of administrative violations.

2. Develop and appeal to competent authorities to promulgate or Authorities competent to manage the enforcement of laws on handling of administrative violations.

3. Monitor enforcement of laws on handling of administrative violations.

4. Preliminarily and finally report enforcement of laws on handling of administrative violations to complete the system of legislative documents.

Article 30. Disseminating laws, providing professional guidance and training in laws on handling of administrative violations

1. Research and compile documents serving for the dissemination and training in laws on handling of administrative violations.
2. Organize professional training in handling administrative violations for employees.
3. Organize dissemination of laws on handling of administrative violations with contents and forms suitable for each specific entity.
4. Disseminate laws, provide professional guidance and training in laws on handling of administrative violations.

Article 31. Examining enforcement of laws on handling of administrative violations

1. Plans for examining enforcement of laws on handling of administrative violations of ministries, ministerial agencies, Vietnam Social Security, Supreme People's Court of Vietnam, State Audit Office of Vietnam and the Provincial People's Committees shall be submitted to the Ministry of Justice of Vietnam within 10 days from the date they are issued for monitoring, cooperating and organizing implementation of the examination.

The Ministry of Justice shall assume monitoring and consolidation of plans for examining of ministries, ministerial agencies, Vietnam Social Security, Supreme People's Court of Vietnam, State Audit Office of Vietnam to ensure that there is not more than 1 time of examination per year for authorities and units under their management, except for unscheduled examination.

2. The Ministry of Justice shall, within its tasks and power, cooperate with ministries, ministerial agencies, Vietnam Social Security, Supreme People's Court of Vietnam, State Audit Office of Vietnam in developing plans for examining and handling identical plans for examining.
3. The Minister of Justice shall inspect the enforcement of laws on handling of administrative violations of ministries, ministerial agencies, Vietnam Social Security and the People's Committees of provinces and central-affiliated cities and authorities managing persons with power to handle administrative violations.
4. The Minister of Justice shall assist the Government to inspect enforcement of laws on handling of administrative violations of the Supreme People's Court of Vietnam and State Audit Office of Vietnam according to regulations specified in Article 17 of the Law on Handling of Administrative Violations.
5. The examination of enforcement of laws on handling of administrative violations shall comply with regulations of the Government of Vietnam on examination and handling of enforcement of laws on administrative violations.

Article 32. Cooperating in inspecting enforcement of laws on handling of administrative violations

1. The cooperation in inspection of enforcement of laws on handling of administrative violations between the Ministry of Justice with relative central authorities; between the Departments of Justice and professional authorities of the provincial People's Committees, agencies organized in the vertical structures in provinces or central-affiliated cities, the district-level People's Committees is carried out when there are petitions and reflections from individuals, organizations and the press about the application of laws on handling of administrative violations that seriously affect lawful rights and interests of such individuals and organizations.

2. Procedures for cooperation in inspecting enforcement of laws on inspection.

Article 33. National database of handling of administrative violations

1. The national database of handling administrative violations is built on the basis of integrating electronic data from the database of handling administrative violations of ministries, ministerial agencies, Vietnam Social Security, State Audit Office of Vietnam, the Supreme People's Court and the People's Committees at all levels and authorities managing persons with power to handle administrative violations.

2. The national database of handling administrative violations must ensure connection with the national database of population and other professional database as prescribed by laws.

3. Development, management, exploitation and use of the national database shall comply with regulations of the Government of Vietnam and the Minister of Justice.

Article 34. Statistics on handling of administrative violations

1. Statistics on handling of administrative violations are the basis for accessing situation and forecasting tendency for administrative violations, proposing remedial measures, completing policies, laws, serving state management of enforcement of laws on handling of administrative violations.

2. Statistics on handling of administrative violations shall be collected as prescribed by laws on statistics.

Article 35. Reporting enforcement of laws on handling of administrative violations

1. Reports on enforcement of laws on handling of administrative violations shall include reports on situation of administrative penalties and reports on situation of applying measures for handling administrative violations which are made annually.

2. A report on the situation of administrative penalties shall include the following contents:

- a) Comments and general assessments of the situation of administrative violations and administrative penalties;
- b) Number of violation cases detected and penalized; penalized entities; the application of penalty forms and remedial measures; preventive measures; types of popular violations;
- c) Results of enforcing decisions on administrative penalties: total sanctioning decisions; total amount of fines which are collected from administrative penalties; number of licenses and practising certificates which are suspended for a fixed term; number of cases of fixed-term suspension of operation; number of the sanctioning decisions which are finished; number of decisions on deferral of, reduction, exemption from imposing fines; number of decisions that must be forced to implement; number of decisions which are complained and sued;
- d) Number of violating minors eligible for alternative measures for handling administrative violations that are reminder measures;
- dd) Number of responsibilities cases subject to criminal prosecutions;
- e) Number of dossiers transferred by authorities with power to conduct criminal proceedings to impose administrative penalties;
- g) Difficulties in enforcement of laws on administrative penalties; recommendations, proposals.

3. A report on the application of administrative measures shall include the following contents:

- a) Comments and general assessment on the situation of applying measures for community-based education in communes, wards and towns and making dossiers of proposals for application of administrative measures for center-based education in reform schools, compulsory educational institutions or compulsory rehabilitation centers; number of cases which are complained or sued;
- b) Comments and general assessment on the situation of consideration and decision of the People's Court of Vietnam on the application of administrative measures for center-based education in reform schools, compulsory educational institutions or compulsory rehabilitation centers;
- c) Number of entities who are proposed in writing to apply measures for community-based education in communes, wards and towns and number of entities who are proposed in writing to apply administrative measures for center-based education in reform schools, compulsory educational institutions or compulsory rehabilitation centers by Courts; number of entities subject to application of measures for community-based education in communes, wards or towns; or center-based education in reform schools; compulsory educational institutions; compulsory rehabilitation centers;
- d) Number of violating minors eligible for alternative measures for handling administrative violations that are home management and community-based education;

dd) Comments and assessments on the situation of organizing enforcement of decisions on application of measures for community-based education in communes, wards or towns; number of decisions on temporary suspension of enforcement of them;

e) Comments and assessment on the situation of organizing implementation of decisions on center-based education in reform schools; compulsory educational institutions; number of decisions on suspension or exemption from enforcement of such decisions;

g) Comments and assessment on the situation of organizing implementation of decisions on center-based education in compulsory rehabilitation centers; number of decisions on suspension or exemption from enforcement of such decisions;

h) Number of entities who are being enforced on decisions on application of administrative measures for center-based education in compulsory educational institutions or reform schools; reduction in time limit; suspension or exemption from enforcement of the remaining duration;

i) Number of entities who are being enforced on decisions on application of administrative measures for center-based education in compulsory rehabilitation centers; reduction in time limit; suspension or exemption from enforcement of the remaining duration;

k) Difficulties or proposals.

4. Time for closing the report data shall comply with the Government's regulations on reporting regimes of state administrative authorities.

5. The Minister of Justice shall specify the regimes of reporting on enforcement of laws on handling of administrative violations.

Section 2. RESPONSIBILITIES FOR STATE MANAGEMENT OF ENFORCEMENT OF LAWS ON HANDLING OF ADMINISTRATIVE VIOLATIONS

Article 36. Responsibilities of the Ministry of Justice

1. Develop and complete laws on handling of administrative violations:

a) Propose the development and completion of laws on handling of administrative violations to competent authorities;

b) Develop and promulgate legislative documents on handling of administrative violations under its power or appeal to competent authorities to promulgate them;

c) Take charge and cooperate with the Government Office, ministries, ministerial agencies and Vietnam Social Security in developing a list of decrees elaborating the Law on Handling of Administrative Violations; guide, inspect and urge ministries, ministerial agencies and Vietnam Social Security to propose and execute Programs on development of decrees;

d) Request competent authorities to study amendments and improvement of laws on handling of administrative violations on the basis of recommendations of authorities, organizations and individuals and the practice of managing enforcement of laws on handling of administrative violations; take charge and cooperate with the Government Office and relevant authorities submitting researching and proposing to submit plans for handling limitations and inadequacies in the practice of applying laws on handling administrative violations to the Government and the Prime Minister;

dd) Make preliminary and final reports on the implementation of laws on handling of administrative violations.

2. Monitor implementation of laws on handling of administrative violations:

a) Guide, inspect and urge ministries, central and local authorities to implement laws on handling of administrative violations, promptly detect difficulties to propose solutions;

b) Have opinions about the application of laws on handling administrative violations as assigned by the Government and Prime Minister of Vietnam.

3. Guide the implementation of laws on handling of administrative violations under its power or at the request of ministries, central or local authorities.

4. Guide dissemination of laws on handling administrative violations; take charge and cooperate with ministries, central or local authorities in providing guidance and training in professional skills for implementation of laws on handling of administrative violations.

5. Take charge and cooperate with relevant ministries, central or local authorities in inspecting the enforcement of laws on handling administrative violations.

6. Propose competent authorities to organize inspections when there are recommendations and reflection of individuals and organizations on the application of laws on handling administrative violations that seriously affect the legitimate rights and interests of such individuals and organizations.

7. Develop a national database of handling of administrative violations; provide guidance on management, exploitation and use of the National Database on handling of administrative violations in accordance with laws.

8. Establish and maintain operation of the web portal to receive reflections, recommendations and results of settlement of violating cases as prescribed.

9. Regulations on reporting regimes and statistics of handling administrative violations and implementing reports and statistics on handling of administrative violations.

10. Develop and submit reports on the enforcement of laws on handling of administrative violations to competent authorities.

Article 37. Responsibilities of ministries, ministerial agencies, Vietnam Social Security, the Supreme People's Court and State Audit Office of Vietnam

1. Responsibilities of ministries, ministerial agencies, Vietnam Social Security:

- a) Implement development and completion of laws on handling of administrative violations within their powers
- b) Make reports on the enforcement of laws on handling of administrative violations within their powers;
- c) Carry out statistics on handling of administrative violations within their powers;
- d) Cooperate in developing database of handling administrative violations; direct information providers to serve development of database of handling administrative violations and integrate information into the national database of handling administrative violations at the Ministry of Justice;
- dd) Carry out inspection and examination of the situation of enforcement of laws on handling of administrative violations of the fields under their management;
- e) Carry out dissemination and training in professional skills of applying laws on handling of administrative violations under management of ministries, ministerial agencies and Vietnam Social Security;
- g) Develop material facilities, strengthen organization, and arrange resources to enforce laws on handling of administrative violations.

2. Responsibilities of ministries, ministerial agencies and Vietnam Social Security for reporting enforcement of laws on handling of administrative violations:

- a) They shall report the situation of administrative penalties specified in clause 2 Article 35 hereof.

For Vietnam Social Security, ministries and ministerial agencies which are organized in the vertical structures in provinces or central-affiliated cities, they shall additionally consolidate data of affiliated units and send them to the Ministry of Justice;

- b) The Ministry of Labor-War Invalids and Social Affairs shall report the situation of applying measures for center-based education in compulsory rehabilitation centers as prescribed in points a, c, g, i and k Clause 3 Article 35 hereof;
- c) The Ministry of Public Security shall report the situation of applying measures for community-based education in communes, wards and towns; center-based education in reform schools and compulsory educational institutions as prescribed in points a, c, d, dd, e, h and k Clause 3 Article 35 hereof;

d) They shall report implementation of laws on handling of administrative violations and send them to the Ministry of Justice in the prescribed time limit for implementing regimes of reporting the enforcement of laws on handling of administrative violations of the Minister of Justice.

3. Supreme People's Court shall carry out tasks as prescribed in clause 4 Article 17 of the Law on Handling of Administrative Violations and send annual reports to the Ministry of Justice on the situation of administrative penalties as prescribed in clause 2 Article 35 hereof and reports on the situation of applying administrative measures as prescribed in points b, c, d, e, g, h, I and k clause 3 Article 35 hereof.

4. The State Audit Office of Vietnam shall carry out tasks as prescribed in clause 4 Article 17 of the Law on Handling of Administrative Violations and send annual reports to the Ministry of Justice on the situation of administrative penalties as prescribed in clause 2 Article 35 hereof.

5. Legal organizations of ministries, ministerial agencies and Vietnam Social Security shall take charge in managing the enforcement of laws on handling of administrative violations in fields under their management; carrying out tasks prescribed in clauses 1 and 2 of this Article and other assigned tasks to assist Ministers and Heads of ministerial agencies and General Directors of Vietnam Social Security.

Article 38. Responsibilities of the Ministry of Finance

1. Carry out tasks prescribed in clauses 1, 2 and 5 Article 37 hereof.

2. Take charge and cooperate with the Ministry of Justice in providing guidance and ensuring expenditures for state management of enforcing laws on handling administrative violations and organizing implementation of laws on handling of administrative violations according to regulations of the Law on State Budget of Vietnam.

Article 39. Responsibilities of the People's Committees at all levels

1. The People's Committees at all levels shall, during the implementation of laws on handling of administrative violations, if they detect regulations on handling of administrative violations that are not feasible, are not consistent with reality, or are overlapping or contradictory, propose governing bodies to draft or the Ministry of Justice to study and handle them.

2. Responsibilities of the People's Committees at all levels for reporting enforcement of laws on handling of administrative violations:

a) Presidents of the commune-level People's Committees shall report implementation of laws on handling of administrative violations in fields under their management to the district-level People's Committees in the prescribed time limit for implementing regimes of reporting enforcement of laws on handling administrative violations of the Minister of Justice.

Justice Divisions shall provide advices and assistance to the Presidents of district-level People's Committees in implementing reports on enforcement of laws on handling of administrative violations in their districts;

b) Heads of professional authorities affiliated to the provincial People's Committees and agencies organized in the vertical structures in their provinces or central-affiliated cities and the district-level People's Committees shall make reports on enforcement of laws on handling of administrative violations in fields under their management to the Departments of Justice for consolidating and reporting them to the provincial People's Committees in the prescribed time limit for implementing regimes of reporting enforcement of laws on handling administrative violations of the Minister of Justice.

Departments of Justice shall provide advices and assistance to the Presidents of provincial People's Committees in implementing reports on enforcement of laws on handling of administrative violations in their provinces;

c) Presidents of the provincial People's Committees shall make reports on implementation of laws on handling of administrative violations in fields under their management and send them to the Ministry of Justice in the prescribed time limit for implementing regimes of reporting enforcement of laws on handling administrative violations of the Minister of Justice.

In order to monitor the situation of handling administrative violations in their provinces, the provincial People's Committees shall not add data about handling of administrative violations of agencies organized in the vertical structures in their provinces or central-affiliated cities to reports on enforcement of laws on handling of administrative violations sent to the Ministry of Justice;

d) Presidents of the People's Committees at all levels shall, within their powers, report contents prescribed in clause 2, points a, c, d, dd and k clause 3 Article 35 hereof.

3. The People's Committees at all levels shall carry out statistics on handling of administrative violations under their management.

4. The provincial People's Committees shall develop database of handling administrative violations in their provinces; direct departments, divisions and provincial authorities to provide information to serve the development of database of handling administrative violations.

Departments of Justice shall assist the provincial People's Committees in developing database of handling administrative violations and integrating into the national database of handling administrative violations in the Ministry of Justice.

5. The People's Committees at all levels shall examine the situation of implementation of laws on handling of administrative violations.

6. The People's Committees at all levels shall organize inspection at the requests of the Departments of Justice or upon having reflections and recommendations of individuals,

organizations or the press on the application of laws on handling administrative violations that seriously affect the legitimate rights and interests of such individuals and organizations under their management for cases prescribed in Article 32 hereof.

7. The People's Committees at all levels shall carry out dissemination and training in professional skills in applying laws on handling administrative violations under their management.

8. The People's Committees at all levels shall direct the development of material facilities, strength of organizations, and arrangement of resources for implementation of laws on handling administrative violations.

9. Departments of Justice shall assume, advise and assist the provincial People's Committees in managing the implementation of laws on handling administrative violations in their provinces.

Chapter V

IMPLEMENTATION CLAUSES

Article 40. Expenditures for organizing the implementation of laws on handling of administrative violations

1. Expenditures used for state management of implementation of laws on handling of administrative violations and organization of implementation of laws on handling administrative violations guaranteed by the state budget and allocated in the state budget estimates of relevant agencies and units according to regulations of the Law on State Budget of Vietnam.

2. Central authorities, local authorities and units shall make estimates of expenditures for organizing implementation of laws on handling administrative violations at the same time with the development of annual budget estimates, and send them to financial agencies at the same levels for consolidation and submission to competent authorities for consideration and decision.

Article 41. Schedule used in handling administrative violations

1. The Appendix of form of offence notices and decisions for use in administrative penalties is promulgated together with this Decree.

2. Forms used in the application of administrative measures are issued together with decrees specifying the application of administrative measures.

3. In case of necessity, in order to meet requirements of state management, ministers and heads of ministerial agencies may issue other forms in addition to the forms specified in Clauses 1 and 2 of this Article for use in their departments and fields after having the written consent of the Minister of Justice.

4. Forms used in handling administrative violations are stored in paper and in electronic form. Competent authorities and persons may use pre-printed forms or self-print forms, manage and take responsibility in accordance with laws.

5. Authorities with powers to handle administrative violations shall be responsible for the accuracy and completeness in printing, issuing, managing and using forms issued as prescribed in Clauses 1, 2 and 3 of this Article.

Article 42. Effect

1. This Decree comes into force from January 01, 2022.

2. The regulations specified in point a clause 1, clauses 2 and 4, Article 15 of this Decree shall take effect against decisions on administrative penalties issued from January 1, 2021.

3. This Decree replaces Government's Decree No. 81/2013/ND-CP dated July 19, 2013 elaborating some articles and measures to implement the Law on Handling of Administrative Violations and Government's Decree No. 97/2017/ND-CP dated August 18, 2017 revising some articles of Government's Decree No. 81/2013/ND-CP dated July 19, 2013 elaborating certain articles and measures to implement the Law on Handling of Administrative Violations.

Article 43. Responsibility for implementation

Ministers, Heads of ministerial agencies, Heads of Governmental agencies, Presidents of the People's Committees of provinces and central-affiliated cities and relative agencies shall be responsible for implementation of this Decree./.

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

Pham Binh Minh