

THE GOVERNMENT

THE SOCIALIST REPUBLIC OF VIETNAM
Independence - Freedom - Happiness

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Hanoi, December 28, 2021

DECREE

On penalties for administrative violations against regulations on planning and investment

Pursuant to the Law on Organization of the Government dated June 19, 2015; the Law Amending and Supplementing a Number of Articles of the Law on Organization of the Government and the Law on Organization of Local Administration dated November 22, 2019;

Pursuant to the Law on Handling of Administrative Violations dated June 20, 2012; the Law Amending and Supplementing a Number of Articles of the Law on Handling of Administrative Violations dated November 13, 2020;

Pursuant to the Law on Cooperatives dated November 20, 2012;

Pursuant to the Bidding Law dated November 26, 2013;

Pursuant to the Construction Law dated June 18, 2014; the Law Amending and Supplementing a Number of Articles of the Construction Law dated June 17, 2020;

Pursuant to the Law on Planning dated November 24, 2017;

Pursuant to the Law on Public Investment dated June 13, 2019;

Pursuant to the Law on Investment dated June 17, 2020;

Pursuant to the Law on Enterprises dated June 17, 2020;

Pursuant to the Law on Investment in the Form of Public-Private Partnership dated June 18, 2020;

At the proposal of the Minister of Planning and Investment;

The Government promulgates the Decree on penalties for administrative violations against regulations on planning and investment.

Chapter I

GENERAL PROVISIONS

Article 1. Scope of regulation

1. This Decree provides for acts of administrative violations, penalties, fine levels, remedial measures, competence to make administrative violation

records and competence to impose penalties for violations against regulations on planning and investment.

2. Administrative violations against regulations on planning and investment are the illegal acts which are committed by organizations and individuals but do not constitute a criminal offence in accordance with the Criminal Code and are prescribed this Decree. Such administrative violations include:

- a) Violations against regulations on investment (including public investment, business investment in Vietnam, offshore business investment from Vietnam, investment in the form of public-private partnership (PPP));
- b) Violations against regulations on bidding;
- c) Violations against regulations on enterprise registration;
- d) Violations against regulations on planning.

3. The administrative violations against regulations on planning and investment that are not specified in this Decree shall apply regulations on penalties for administrative violations in the relevant state management domain.

Article 2. Subjects of application

1. This Decree applies to:

- a) Vietnamese and foreign organizations and individuals (hereinafter referred to as organizations and individuals) that commit the acts of administrative violations against regulations on planning and investment;
- b) Persons competent to make administrative violation records and impose penalties for administrative violations as prescribed in this Decree;
- c) Other agencies, organizations and individuals involved in the sanctioning of administrative violations as specified in this Decree.

2. The organizations specified at Point a, Clause 1 of this Article include:

- a) Joint-stock companies, limited liability companies, partnerships, and private enterprises established and operating under the Law on Enterprises, the Law on Investment, the Law on Investment in the form of public-private partnership and other legal documents;
- b) If a branch, representative office, and business location of an enterprise specified at Point a, Clause 2 of this Article commits an act of administrative violations when performing its business within the operating scope and time limit authorized by the enterprise and when complying with the enterprise's guidance, direction, assignment or consent, such enterprise shall be imposed penalties for administrative violations; the fines to be imposed shall be the fines applicable to organizations.

If a branch, representative office, and business location of an enterprise commits an administrative violation when performing its business within the operating scope and time limit not authorized by the enterprise and without

complying with the enterprise's guidance, direction, assignment or consent, the head of such branch, representative office, or business location shall assume responsibility and be imposed penalties for the administrative violation according to the fine levels applicable to individuals for the activities carried out by the enterprise's branch, representative office or business location;

c) Foreign organizations and enterprises, executive offices of foreign investors in BCC contracts, executive offices of foreign contractors in Vietnam;

d) Organizations established and operating under the Law on Cooperatives;

dd) Other organizations that commit administrative violations against regulations on planning and investment.

Article 3. Penalties and remedial measures

1. Penalties for administrative violations include:

a) Warning;

b) Fine.

2. Depending on the nature and severity of violations, organizations and individuals committing the violations may be subject to one or more remedial measures as specified in Articles from Chapter II to Chapter V of this Decree.

Article 4. Fines

1. The maximum fines for administrative violations in this Decree are prescribed as follows:

a) The maximum fine for an act of administrative violation against regulations on investment shall be VND 300,000,000;

b) The maximum fine for an act of administrative violation against regulations on bidding shall be VND 300,000,000;

c) The maximum fine for an act of administrative violation against regulations on enterprise registration shall be VND 100,000,000;

d) The maximum fine for an act of administrative violation against regulations on planning shall be VND 500,000,000.

2. The fines for administrative violations specified in this Decree are the fines applicable to organizations (except for the fines applicable to individuals as specified at Point c, Clause 2, Article 28; Points a and b, Clause 2, Article 38; Articles 62 and 63 of the Decree). With regard to the same violation, the fine imposed on an individual shall be 1/2 (half) that imposed on an organization.

Article 5. Statute of limitations and time of determining statute of limitations for imposing penalties for administrative violations

1. The statute of limitations for imposing penalties for administrative violations against regulations on investment, bidding and enterprise registration shall be 01 year; on planning shall be 02 years.

2. The administrative violations specified in Article 7; Article 9; Article 10; Article 13; Article 14; Clause 2 Article 15; Clause 3 Article 16; Article 17; Article 18; Article 19; Article 20; Article 21; Article 22; Article 23; Article 24; Article 30; Article 36; Article 37; Article 43; Article 44; Article 45; Article 46; Article 47; Article 48; Article 49; Article 50; Article 51; Article 52; Article 53; Article 54; Article 55; Article 56; Article 57; Article 58; Article 59; Article 60; Article 61; Article 62; Article 63; Article 64; Article 65; Article 66; Article 67; Article 68, Article 69; Article 70; Articles 71 and 72 of this Decree are in-progress administrative violations.

With regard to an in-progress violation, the statute of limitations begins from the date on which that violation is detected. In cases where the violation has been completed, the statute of limitations begins from the date on which that violation terminates.

3. The administrative violations specified in this Decree (except for the administrative violations specified in Clause 2 of this Article, Article 12 and Article 25) are completed administrative violations.

With regard to a completed violation, the statute of limitations begins from the date on which that violation terminates.

Chapter II

ADMINISTRATIVE VIOLATIONS AGAINST REGULATIONS ON INVESTMENT, PENALTIES, FINE LEVELS AND REMEDIAL MEASURES

Section 1

ADMINISTRATIVE VIOLATIONS AGAINST REGULATIONS ON PUBLIC INVESTMENT, PENALTIES, FINES AND REMEDIAL MEASURES

Article 6. Violations against regulations on the investment policy proposal report, pre-feasibility study report, and feasibility study report

1. A fine of between VND 20,000,000 and VND 30,000,000 shall be imposed for any of the following violations:

a) Requesting a competent authority to consider and decide the investment policies when such program or project overlaps the program or project that has already obtained the investment policy decision or investment decision;

b) Failure to follow the order for making a report on investment policy proposal, pre-feasibility study report or feasibility study report;

c) Failure to follow the order, procedures and conditions for adjusting a program or project.

2. A fine of between VND 30,000,000 and VND 50,000,000 shall be

imposed for any of the following violations:

a) Making a budget estimate, payment, or statement of expenditures on the making of a report on investment policy proposal, pre-feasibility study report, or feasibility study report that is not in accordance with the prescribed unit prices and norms;

b) Making a report on investment policy proposal, pre-feasibility study report, or feasibility study report that is not conformable with national standards or national technical regulations;

c) Making a report on investment policy proposal, pre-feasibility study report, or feasibility study report that is inconsistent with the socio-economic development strategy and plan, and relevant planning in accordance with regulations of law on planning;

d) Making a report on investment policy proposal, pre-feasibility study report, or feasibility study report in which funding sources and capital balancing capability are not determined.

3. Remedial measures:

a) Forcible return of the excess funds after making payment, statement of expenditures on the making of a report on investment policy proposal, pre-feasibility study report, or feasibility study report that is not in accordance with the prescribed unit prices and norms, for the violations specified at Point a, Clause 2 of this Article;

b) Forcible adjustment of the report on investment policy proposal, pre-feasibility study report, or feasibility study report in accordance with national standards and national technical regulations, for the violations specified at Point b, Clause 2 of this Article;

c) Forcible adjustment of the report on investment policy proposal, pre-feasibility study report, or feasibility study report in conformity with the socio-economic development strategy and plan and relevant planning, for the violations specified at Point c, Clause 2 of this Article.

Article 7. Violations against regulations on reporting and providing information in public investment activities

1. A fine of between VND 20,000,000 and VND 30,000,000 shall be imposed for any of the following violations:

a) Failure to report or reporting insufficiently or inaccurately the execution of the program or project;

b) Failure to provide or provide insufficient or inaccurate information and documents related to the program or project.

2. Remedial measures:

a) Forcible submission of reports or sufficiently and accurately supplementing the execution of the program or project, for the violations

specified at Point a, Clause 1 of this Article;

b) Forcible provision of information and documents or sufficiently and accurately supplementing information and documents related to the program or project, for the violations specified at Point b, Clause 1 of this Article.

Article 8. Violations against regulations on design of public investment programs and projects

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

a) Failure to design a program or project in accordance with regulations, standards, norms and technical solutions, resulting in failure to meet quality requirements;

b) Producing a design beyond the prescribed regulations, standards and norms.

2. Remedial measures:

a) Forcible adjustment of designs in accordance with regulations, standards, norms and technical solutions to meet quality requirements, for the violations specified at Point a, Clause 1 of this Article;

b) Forcible refund of design costs in excess of that prescribed by regulations and standards, for the violations specified at Point b, Clause 1 of this Article.

Article 9. Violations against regulations on supervision, assessment and inspection of public investment plans, programs and projects

A fine of between VND 20,000,000 and VND 30,000,000 shall be imposed for any of the following violations:

1. Making a report on supervision, assessment and inspection of plans, programs and projects in an untruthful and partial manner.

2. Failure to carry out the supervision, assessment and inspection of plans, programs and projects.

3. Failure to carry out the initial assessment, mid-term or terminal assessment, and final assessment as prescribed; failure to carry out impact assessment and ad-hoc assessment upon request.

Article 10. Violations against regulations on reporting investment supervision and assessment

1. A fine of between VND 20,000,000 and VND 30,000,000 shall be imposed for any of the following violations:

a) Failure to making reports on investment supervision and assessment on time or with sufficient contents as prescribed;

b) Failure to update reports on investment supervision and assessment on the national portal on investment supervision and assessment.

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

- a) Failure to comply with regulations on reporting investment supervision and assessment on a periodic basis as prescribed;
- b) Making untruthful and inaccurate investment supervision and assessment reports.

3. Remedial measures:

- a) Forcible supplementation of insufficient information in cases where investment supervision and assessment reports fail to contain sufficient contents, for the violations specified at Point a, Clause 1 of this Article;
- b) Forcible updating of investment supervision and assessment reports on the national portal on investment supervision and assessment, for the violations specified at Point b, Clause 1 of this Article;
- c) Forced compliance with regulations on reporting investment supervision and assessment on a periodic basis as prescribed, for the violations specified at Point a, Clause 2 of this Article.

Article 11. Violations against regulations on use of public investment capital

1. A fine of between VND 100,000,000 and VND 200,000,000 shall be imposed for the act of using public investment capital in excess of prescribed standards and norms.

2. A fine of between VND 200,000,000 and VND 300,000,000 shall be imposed for the act of using public investment capital for improper purposes or subjects.

3. Remedial measures: Forcible return of the capital used in excess of the standards and norms or used for improper purposes or subjects, for the violations specified in Clauses 1 and 2 of this Article.

Article 12. Violations against regulations on investment using public investment capital that involves construction constituents

With regard to the administrative violations against regulations on investment using public investment capital that involves construction constituents such as survey, design, construction supervision, construction execution, quality management, commissioning and acceptance, payment and financial statement of an investment project, the person entitled to impose penalties specified in this Decree may impose a penalty in accordance with the Government's regulations on penalties for administrative violations against regulations on construction.

Article 13. Violations against regulations on management and execution of programs or projects funded by Official Development Assistance (ODA) or concessional loans granted by foreign sponsors

1. A fine of between VND 20,000,000 and VND 30,000,000 shall be imposed for the failure to organize the supervision and assessment of the execution of a program or project funded by ODA and concessional loans granted by foreign sponsors as prescribed.

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

a) Failure to execute a program or project in accordance with the decision on investment policy, decision on investment in the program or project, decision on implementation guidelines, decision on approval for the project document of a technical assistance project or non-project;

b) Executing a program or project behind schedule not because of an objective reason or a force majeure event.

Article 14. Violations against regulations on reporting and providing information about programs or projects funded by ODA or concessional loans granted by foreign sponsors

1. A fine of between VND 20,000,000 and VND 30,000,000 shall be imposed for the failure to comply with regulations on reporting the execution of a program or project funded by ODA or concessional loans granted by foreign sponsors to a competent authority.

2. A fine of between VND 30,000,000 and VND 50,000,000 shall be imposed for the failure to provide or inaccurately providing information or documents about a program or project funded by ODA or concessional loans granted by foreign sponsors.

3. Remedial measures:

a) Forcible formulation and submission of reports to the competent authority as prescribed by law provisions, for the violations specified in Clause 1 of this Article;

b) Forcible provision of accurate information and documents about the program or project, for the violations specified in Clause 2 of this Article.

Section 2

ADMINISTRATIVE VIOLATIONS AGAINST REGULATIONS ON BUSINESS INVESTMENT IN VIETNAM, PENALTIES, FINE LEVELS AND REMEDIAL MEASURES

Article 15. Violations against regulations on reporting and providing information about investment activities in Vietnam

1. A fine of between VND 20,000,000 and VND 30,000,000 shall be imposed for any of the following violations:

a) Making a report on investment supervision or assessment behind schedule or in an insufficient manner as prescribed;

b) Failure to comply with regulations on reporting investment supervision or assessment on a periodic basis as prescribed.

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

a) Failure to comply with regulations on reporting investment activities or reporting investment activities behind prescribed schedule;

b) Making an untruthful or inaccurate report on investment activities;

c) Failure to send notification documents to the investment registration authority of the area where the executive office is located within 07 working days from the date on which the decision to shut down the executive office of the foreign investor to BCC is issued;

d) Failure to send a notification to the investment registration authority within 05 working days from the date on which the decision on investment project termination is issued;

dd) Failure to send a notification of or decision on investment project termination to the investment registration authority within 15 working days from the date of investment project termination in the cases specified in Clause 1, Article 48 of the Law on Investment.

3. Remedial measures:

a) Forcible supplementation of insufficient information in cases where the investment supervision and assessment report does not contain sufficient contents, for the violations specified at Point a, Clause 1 of this Article;

b) Forcible implementation of regulations on reporting investment supervision and assessment on a periodic basis as prescribed, for the violations specified at Point b, Clause 1 of this Article;

c) Forcible implementation of regulations on reporting investment activities in cases of failure to comply with reporting regulations, for the violations specified at Point a, Clause 2 of this Article;

d) Forcible sending of a notification of or decision on investment project termination to the investment registration authority, for the violations specified at Points c, d and dd, Clause 2 of this Article.

Article 16. Violations against regulations on conditions for business investment in Vietnam

1. A fine of between VND 80,000,000 and VND 100,000,000 shall be imposed for the acts of contributing capital to, purchasing stakes or purchasing shares of a business organization that fails to satisfy the conditions as prescribed.

2. A fine of VND 100,000,000 and VND 200,000,000 shall be imposed for any of the following violations:

a) Investors transfer part or whole of their investment project that does not satisfy the conditions as prescribed;

b) Foreign investors or business organizations specified in Points a, b and c, Clause 1, Article 23 of the 2020 Law on Investment receive part or whole of an investment project that does not satisfy the conditions as prescribed.

3. A fine of between VND 200,000,000 and VND 300,000,000 shall be imposed for the act of conducting business investment activities in banned sectors or trades as prescribed by law provisions.

4. Remedial measures: Forcible termination of business investment activities and return of illegal profits obtained from investment in banned sectors or trades, for the violations specified in Clause 3 of this Article.

Article 17. Violations against regulations on issuance and adjustment of investment registration certificates, certificates of executive office registration of foreign investors in business cooperation contracts (BCC), investment policy approval, approval for both investment policies and investor, investor approval

1. A fine of between VND 50,000,000 and VND 70,000,000 shall be imposed for the act of establishing an executive office of foreign investors in BCC without registering with the investment registration authority of the area where the executive office is located.

2. A fine of between VND 70,000,000 and VND 100,000,000 shall be imposed for any of the following violations:

a) Submission of an unlawful, untruthful, inaccurate investment project dossier to obtain the investment registration certificate, investment policy approval, approval for both investment policy adjustment and investor, or investor approval;

b) Failure to follow the procedures for adjusting the investment registration certificate in cases where the adjustment of the investment project changes any content of the investment registration certificate;

c) Failure to apply for approval for adjustment of investment policies, approval for both investment policy adjustment and investor, or approval for investor change where the adjustment is compulsory as prescribed by law provisions.

3. Remedial measures:

a) Forcible registration of establishment of the executive office of a foreign investor in the BCC, for the violations specified in Clause 1 of this Article;

b) Forcible implementation of procedures for adjustment of the investment registration certificate, for the violations specified at Point b, Clause

2 of this Article;

c) Forcible implementation of procedures for approval of adjustment of investment policies, approval for both investment policy adjustment and investor change or approval for investor change, for the violations specified at Point c, Clause 2 of this Article.

Article 18. Violations against regulations on investment incentives

1. A fine of between VND 50,000,000 and VND 70,000,000 shall be imposed for the act of providing inaccurate and untruthful information to enjoy investment incentives.

In case of committing a violation to enjoy investment incentives to taxes and other amounts payable to the state budget, it shall be handled in accordance with regulations on penalties for administrative violations in the tax field and relevant laws.

2. Remedial measures: Forcible return of illegal profits obtained from enjoyment of investment incentives against regulations, for the violations specified in Clause 1 of this Article.

Article 19. Violations against regulations on execution of investment projects in Vietnam

1. A fine of between VND 50,000,000 and VND 70,000,000 shall be imposed for any of the following violations:

a) Failure to pay a deposit or obtain a bank guarantee for deposit payment obligation for execution of an investment project that requests the State to allocate or lease out land or grant permission for land repurposing unless otherwise prescribed by law provisions;

b) Failure to follow the procedures for guaranteeing the execution of an investment project on schedule as prescribed;

c) Increasing the investment capital of a project without paying an additional amount of deposit or credit institution's deposit payment guarantee when requested in writing by the investment authority;

d) Making an unlawful, untruthful or inaccurate declaration and preparation of dossiers in order to reduce the costs of guarantee for project execution.

2. A fine of between VND 70,000,000 and VND 100,000,000 shall be imposed for any of the following violations:

a) Failure to comply with the written approval for investment policies, written approval for both investment policy adjustment and investor change, written approval for investor or investment registration certificate;

b) Failure to follow the procedures for liquidating the investment project and discharging financial obligations to the State as prescribed by law provisions;

c) Suspending an investment project for a total period of more than 12 months.

3. A fine of between VND 100,000,000 and VND 200,000,000 shall be imposed for any of the following violations:

a) Executing the project before being granted the investment registration certificate or approval for investment policies, approval for both investment policy adjustment and investor change or investor approval;

b) Failure to suspend the investment project after the competent authority decides to suspend or partially suspend the operation of such investment project.

4. Remedial measures:

a) Forcible payment of an additional amount for guaranteeing the project execution in accordance with law, for the violations specified at Point c, Clause 1 of this Article;

b) Forcible return of illegal profits obtained from making the unlawful, untruthful, inaccurate declaration and preparation of dossiers, for the violations specified at Point d, Clause 1 of this Article;

c) Forcible implementation of procedures for liquidating the investment project and discharging financial obligations, for the violations specified at Point b, Clause 2 of this Article;

d) Forcible execution of the investment project according to the schedule on the investment registration certificate, written approval for investment policies and written approval for both investment policy adjustment and investor change or forcible termination of the investment project, for the violations specified at Point c, Clause 2 of this Article;

dd) Forcible execution of procedures for issuance of the investment registration certificate, approval for both investment policy adjustment and investor change or investor approval, for the violations specified at Point a, Clause 3 of this Article.

Section 3

ADMINISTRATIVE VIOLATIONS AGAINST REGULATIONS ON OFFSHORE BUSINESS INVESTMENT, PENALTIES, FINE LEVELS AND REMEDIAL MEASURES

Article 20. Violations against regulations on reporting offshore investment activities

1. A fine of between VND 20,000,000 and VND 30,000,000 shall be imposed for any of the following violations:

a) Failure to comply with regulations on reporting offshore investment

activities or submitting an inadequate report or a report without enclosing prescribed documents;

b) Failure to update information or update information insufficiently, inaccurately or behind prescribed schedule on the National Investment Information System;

c) Making a report on investment supervision or assessment behind schedule or in an insufficient manner as prescribed;

d) Failure to comply with regulations on reporting investment supervision or assessment on a periodic basis as prescribed.

2. Remedial measures:

a) Forcible compliance with regulations on reporting or forcible supplementation of contents or documents to the report on offshore investment activities, for the violations specified at Point a, Clause 1 of this Article;

b) Forcible updating of information or additional updating of sufficient and accurate information or documents on the National Investment Information System, for the violations specified at Point b, Clause 1 of this Article;

c) Forcible supplementation of insufficient contents in cases where the investment supervision or assessment report does not contain sufficient contents, for the violations specified at Point c, Clause 1 of this Article;

d) Forcible compliance with regulations on reporting investment supervision or assessment as prescribed, for the violations specified at Point d, Clause 1 of this Article.

Article 21. Violations against regulations on offshore investment procedures

1. A fine of between VND 20,000,000 and VND 30,000,000 shall be imposed for failure to update changes on the National Investment Information System within a period of 01 month from the date on which a content of the offshore investment project is changed but such changes are not subject to the adjustment of the offshore investment registration certificate.

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

a) Making an unlawful, untruthful, inaccurate dossier to obtain the offshore investment registration certificate;

b) Using the profits from an offshore investment project to execute another offshore investment project without following the procedures for issuance of the offshore investment registration certificate for such project;

c) Vietnamese investors use their shares, capital contribution or investment projects in Vietnam as payment or swap for the purchase of shares, capital contribution or investment projects of foreign business organizations but fail to follow the procedures for issuance of the offshore investment registration

certificate as prescribed;

d) Failure to follow the procedures for adjusting the offshore investment registration certificate in cases where such adjustment is required by law provisions;

dd) Failure to follow the procedures for invalidating the offshore investment registration certificate in cases where such invalidation is required by law provisions;

e) Vietnamese investors follow the procedures for issuance of offshore investment registration certificates after the foreign investors follow the procedures for making investment in Vietnam where the Vietnamese investors use their shares, capital contribution or investment projects of the foreign investors in Vietnam for payment or swap for the purchase of shares, capital contribution or investment projects of foreign business organizations.

3. A fine of between VND 100,000,000 and VND 200,000,000 shall be imposed for failure to make offshore investment before the offshore investment registration certificate is issued as prescribed.

4. A fine of between VND 200,000,000 and VND 300,000,000 shall be imposed for the act of making offshore investment in sectors or trades banned from offshore investment.

5. Remedial measures:

a) Forcible updating of changes in the offshore investment registration certificate on the National Investment Information System, for the violations specified in Clause 1 of this Article;

b) Forcible execution of procedures for issuance of the offshore investment registration certificate, for the violations specified at Points b and c, Clause 2 of this Article;

c) Forcible execution of procedures for adjustment of the offshore investment registration certificate, for the violations specified at Point d, Clause 2 of this Article;

d) Forcible execution of procedures for invalidation of the offshore investment registration certificate, for the violations specified at Point dd, Clause 2 of this Article;

dd) Forcible execution of procedures for issuance of the offshore investment registration certificate, for the violations specified in Clause 3 of this Article;

e) Forcible termination of offshore investment activities and return of illegal profits obtained from the offshore investment in sectors or trades banned from investment, for the violations specified in Clause 4 of this Article.

Article 22. Violations against regulations on offshore investment activities

1. A fine of between VND 70,000,000 and VND 100,000,000 shall be imposed for failure to comply with the contents of offshore investment activities stated in the offshore investment registration certificate.

2. A fine of between VND 100,000,000 and VND 200,000,000 shall be imposed for any of the following violations:

a) Failure to comply with regulations on repatriation of profits and incomes from offshore investment in accordance with regulations.

In cases where there is a violation of tax laws, it shall be handled in accordance with regulations on penalties for administrative violations in the tax field;

b) Failure to comply with regulations on repatriation of lawful capital and assets, and all revenues from the liquidation of investment projects after terminating offshore investment activities.

In cases where there is a violation of tax laws, it shall be handled in accordance with regulations on penalties for administrative violations in the tax field.

3. Remedial measures:

a) Forcible repatriation of profits and other incomes from offshore investment, for the violations specified at Point a, Clause 2 of this Article;

b) Forcible repatriation of lawful capital and assets, and all revenues from the liquidation of investment projects, for the violations specified at Point b, Clause 2 of this Article.

Section 4

ADMINISTRATIVE VIOLATIONS AGAINST REGULATIONS ON PPP INVESTMENT, PENALTIES, FINE LEVELS AND REMEDIAL MEASURES

Article 23. Violations against regulations on reporting and providing information about PPP investment activities

1. A fine of between VND 20,000,000 and VND 30,000,000 shall be imposed for any of the following violations:

a) Providing insufficient or inaccurate information and documents related to the PPP project;

b) Failure to report or reporting incompletely or incorrectly the implementation of PPP investment activities;

c) Making reports on investment supervision or assessment of PPP projects behind schedule or in an insufficient manner as prescribed;

d) Failure to comply with regulations on reporting investment supervision

or assessment of PPP projects on a periodic basis as prescribed.

2. Remedial measures:

a) Forcible provision of sufficient and accurate information and documents related to the PPP project, for the violations specified at Point a, Clause 1 of this Article;

b) Forcible compliance with regulations on reporting or supplementation of sufficient and accurate information on the situation of PPP investment activities, for the violations specified at Point b, Clause 1 of this Article;

c) Forcible supplementation of insufficient contents in cases where the investment supervision or assessment report does not contain sufficient contents, for the violations specified at Point c, Clause 1 of this Article;

d) Forcible reporting of investment supervision or assessment as prescribed, for the violations specified at Point d, Clause 1 of this Article.

Article 24. Violations against regulations on posting information about PPP projects

1. A fine of between VND 20,000,000 and VND 30,000,000 shall be imposed for any of the following violations:

a) Failure to post information on the National Bidding Network System or website (if any) of the competent authority within the time limit prescribed by law provisions on PPP;

b) Posting insufficient or unapproved information about a PPP project.

2. A fine of between VND 30,000,000 and VND 50,000,000 shall be imposed for failure to post information about a PPP project.

3. Remedial measures:

a) Forcible posting of sufficient or approved information about the PPP project, for the violations specified at Point b, Clause 1 of this Article;

b) Forcible posting of information about the PPP project, for the violations specified in Clause 2 of this Article.

Article 25. Violations against regulations on PPP projects with construction elements

With regard to the violations related to survey, design, construction supervision, construction execution, quality management, commissioning, payment and financial statement of a sub-project with construction elements, the person entitled to impose penalties for administrative violations specified in this Decree may impose a penalty in accordance with the Government's regulations on penalties for administrative violations against regulations on construction.

Article 26. Violations against regulations on pre-feasibility study reports and feasibility study reports for PPP projects

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

imposed for any of the following violations:

a) Failure to comply with the order and procedures for making a pre-feasibility study report, investment policy decision, feasibility study report or decision on approval for a PPP project;

b) Failure to comply with the order and procedures for adjusting PPP project investment policies or PPP project;

c) Adjusting the feasibility study report in cases other than the cases where the adjustment is permitted as prescribed.

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

a) Making an estimate, payment or statement of costs of making a pre-feasibility study report or feasibility study report in accordance with incorrect unit prices or norms;

b) Failure to make a pre-feasibility study report or feasibility study report in conformity with the socio-economic development strategy or plan and relevant planning in accordance with regulations of law on planning.

3. Remedial measures:

a) Forcible return of the excess funds after making payment or statement of the costs of making the pre-feasibility study report or feasibility study report in accordance with incorrect unit prices or norms, for the violations specified at Point a, Clause 2 of this Article;

b) Forcible adjustment of the pre-feasibility study report or feasibility study report in conformity with the socio-economic development strategy or plan and relevant planning in accordance with law provisions on planning, for the violations specified at Point b, Clause 2 of this Article.

Article 27. Violations against regulations on selection of PPP project investors

1. A fine of between VND 20,000,000 and VND 30,000,000 shall be imposed for any of the following violations:

a) Failure to comply with the investor selection process as prescribed;

b) Preparing, appraising and approving prequalification documents, negotiation documents, bidding documents or request for proposals in investor selection against regulations on investor's qualification and incentives for investor selection;

c) Preparing contents of prequalification documents, negotiation documents, bidding documents or request for proposals against law provisions on PPP;

d) Failure to specify or sufficiently or correctly specify the address from which the prequalification documents, negotiation documents, bidding

documents or request for proposals is issued in the invitation for prequalification applications or invitation to bid;

dd) Modifying or clarifying the bidding documents, negotiation documents or request for proposals without giving a notification as prescribed;

e) Failure to receive or unlawfully receiving or managing prequalification applications, negotiation documents or bids of investors;

g) Failure to issue the negotiation documents, bidding documents or requests for proposals to investors according to the time and location written on the bid invitation letter.

h) Failure to adhere to the time for bid opening and bid closing specified in the bidding documents, invitation to bid or bid invitation letter.

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

a) Appraising and approving prequalification documents, negotiation documents, bidding documents or request for proposals that are not within competence;

b) Imposing conditions to restrict participation of investors or give advantage to one or more investors, thereby causing unfair competition;

c) Failure to evaluate the prequalification applications, negotiation applications or bids of the investor in accordance with requirements of the pre-qualification documents, negotiation documents or bidding documents;

d) Submitting, appraising, approving and publishing a shortlist or investor selection result that contains inadequate, inaccurate information or ultra vires;

dd) Failure to provide or unlawfully providing PPP project contract performance security.

3. A fine of between VND 50,000,000 and VND 70,000,000 shall be imposed for the act of evaluating the investor's bid against the approved evaluation standard in the bidding documents without changing the investor selection result.

4. A fine of between VND 100,000,000 and VND 150,000,000 shall be imposed for the act of evaluating a bid or proposal against the approved evaluation standards in the bidding documents or request for proposals changing the investor selection result.

5. Remedial measures: Forcible implementation of contract performance security measures as prescribed, for the violations specified at Point dd, Clause 2 of this Article.

Article 28. Violations against other regulations on selection of PPP project investors

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

imposed for any of the following violations:

- a) Failure to retain or adequately retain records and documents during the investor selection process;
- b) Failure to comply with regulations on time during the investor selection process.

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

- a) Failure to return or release the deposit paid as bid security to the investor on schedule;
- b) Establishing an expert group which consists of insufficient members according to the nature and complexity of the project and unqualified members;
- c) Any individual participating in the bidding without a certificate of bidding training and bidding practicing certificate in accordance with law provisions on bidding.

Article 29. Violations against regulations on PPP project contracts and enterprises

1. A fine of between VND 20,000,000 and VND 30,000,000 shall be imposed for the act of making a PPP project contract with incomplete contents as prescribed.

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

- a) Failure to establish a PPP project enterprise in a form of a limited liability company or a joint stock company that is not a public company with the sole purpose of signing and implementing PPP project contracts;
- b) Issuing corporate bonds against law provisions.

Article 30. Violations against regulations on investment incentives in PPP

1. A fine of between VND 50,000,000 and VND 70,000,000 shall be imposed for the act of providing untruthful and inaccurate information to enjoy investment incentives.

In case of committing a violation to enjoy investment incentives to taxes and other amounts payable to the state budget, it shall be handled in accordance with regulations on penalties for administrative violations in the tax field and relevant laws.

2. Remedial measures: Forcible return of illegal profits obtained from enjoying investment incentives in contravention of regulations, for the violations specified in Clause 1 of this Article.

Article 31. Violations against regulations on execution of PPP projects

1. A fine of between VND 20,000,000 and VND 30,000,000 shall be imposed for failure to promulgate regulations on investor selection for uniform

application as prescribed.

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

a) Transferring project works without complying with the prescribed conditions and procedures;

b) Delaying settlement of investment capital for construction of a work.

3. A fine of between VND 50,000,000 and VND 100,000,000 shall be imposed for any of the following violations:

a) Carrying out construction before signing a contract;

b) Permitting fee collection before confirming the completion of the work.

4. Remedial measures:

a) Forcible promulgation of regulations on investor selection for uniform application, for the violations specified in Clause 1 of this Article;

b) Forcible settlement of work construction investment capital in cases where the settlement has not yet been made, for the violations specified at Point b, Clause 2 of this Article;

c) Forcible return of illegal profits obtained from collecting fees before confirming the completion of the work, for the violations specified at Point b, Clause 3 of this Article.

Chapter III

ADMINISTRATIVE VIOLATIONS AGAINST REGULATIONS ON BIDDING, PENALTIES, FINE LEVELS AND REMEDIAL MEASURES

Section 1

ADMINISTRATIVE VIOLATIONS AGAINST REGULATIONS ON BIDDING FOR BIDDER SELECTION, PENALTIES, FINE LEVELS AND REMEDIAL MEASURES

Article 32. Violations against regulations on bidder selection plans

1. A fine of between VND 20,000,000 and VND 30,000,000 shall be imposed for any of the following violations:

a) Failure to follow or incorrectly following the procedures for making, appraising and approving the bidder selection plan or adjusted bidder selection plan in accordance with regulations of law on bidding;

b) Making, appraising and approving a bidder selection plan with insufficient contents or insufficient grounds in accordance with regulations of

law on bidding;

c) Failure to make, appraise and approve a bidder selection plan for the entire project or cost estimate in case of eligibility for making a bidder selection plan for such entire project or cost estimate.

2. A fine of between VND 30,000,000 and VND 50,000,000 shall be imposed for the act of applying a bidder selection method or form and type of contract which is inconsistent with the size or nature of the contract package.

3. A fine of between VND 50,000,000 and VND 70,000,000 shall be imposed for any of the following violations:

a) Organizing bidder selection before the bidder selection plan is approved unless the direct contracting applies to packages which need to be performed to immediately overcome or promptly handle consequences caused by force majeure event; packages which need to be performed immediately to avoid causing direct damage to life, health and property of a residential community on a geographical area or avoid seriously affecting adjacent works; procurements of drugs, chemicals, supplies and medical equipment for purposes of disease prevention and control in emergency cases;

b) Dividing a project or cost estimate into different contract packages that fail to satisfy the requirements concerning technical characteristics, procedures and uniformity of the project reducing the competitiveness of bidding or in order to avoid applying e-selection of preferred bidders.

Article 33. Violations against regulations on preparing, appraising and approving requests for expression of interest, prequalification documents, bidding documents and requests for proposals

1. A fine of between VND 20,000,000 and VND 30,000,000 shall be imposed for any of the following violations:

a) Issuing requests for expression of interest, prequalification documents, bidding documents or request for proposals without preparation, appraisal and approval as prescribed;

b) Failure to carry out appraisal of requests for expression of interest, prequalification documents, bidding documents or request for proposals in accordance with law provisions on bidding prior to granting approval.

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

a) Appraising and approving requests for expression of interest, prequalification documents, bidding documents or request for proposals ultra vires;

b) Imposing conditions to restrict participation of bidders or give advantage to one or more bidders, thereby causing unfair competition;

c) Imposing standards for evaluating requests for expression of interest,

prequalification documents, bidding documents or request for proposals that are not appropriate for the size or technical characteristics of the contract package.

d) Requesting a bidder to submit a sale permit issued by the producer or a certificate of joint venture relationship or any other documents equivalent to the sale permit with respect to common and available-on-market goods which are standardized and under warranty as recommended by the producer.

3. A fine of between VND 50,000,000 and VND 70,000,000 shall be imposed for any of the following violations:

a) The contents of the bidding documents or request for proposals are inappropriate to the approved bidder selection plan;

b) Issuing the bidding documents or request for proposals without satisfying all conditions.

Article 34. Violations against regulations on contractor selection, assessment of expressions of interest, applications for prequalification, bids, proposals

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

a) Failing to specify or insufficiently/incorrectly specifying in the call for expression of interest, invitation for prequalification, notice to offerors, notice to bidders, or invitation to bid the address from which the request for expressions of interest, prequalification documents, bidding documents, or the request for proposals is sent;

b) Changing or clarifying the bidding documents or request for proposals without sending the decision thereon attached with the revised documents to the contractors who have purchased or received the bidding documents and request for proposals in accordance with the law provisions on bidding;

c) Failing to send notifications on assessment results of technical proposals or failing to clearly state or incompletely stating in the notifications the contents as prescribed by the law provisions on bidding;

d) Failing to receive or receiving/managing in contravention of the law provisions on bidding the expressions of interest, applications for prequalification, bids, and proposals from the contractors;

dd) Failing to issue the request for expressions of interest, prequalification documents, bidding documents, or the request for proposals to the contractors at the time and place stated in the call for expression of interest, invitation for prequalification, or notice to offerors;

e) Refunding or releasing bid bonds to the contractors not on time as prescribed.

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

a) Failing to extend the time for bid closing when the request for expressions of interest, prequalification documents, bidding documents, or the request for proposals cannot be modified within the prescribed time limit;

b) Failing to adhere to the time for bid opening and bid closing specified in the bidding documents or notice to bidders;

c) Failing to send bid opening records to bidders;

d) Submitting, appraising, approving and publicizing contractor selection results incompletely, inaccurately or ultra vires.

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

a) Failing to verify the list of bidders/investors satisfying technical requirements in case of single-stage two-envelope procedures or two-stage two-envelope procedures;

b) Failing to appraise contractor selection results before approving them;

c) Failing to verify or request additional documents to prove the contractor's eligibility, capacity and experience, whereby the contractor assessment results do not change;

d) Evaluating bidders' bids and proposals against the assessment standards approved in the bidding documents, request for proposals, and legal regulations on bidding, whereby the assessment results do not change.

4. A fine of between VND 100,000,000 and VND 150,000,000 shall be imposed for one of the following acts:

a) Evaluating bids and proposals of contractors against the assessment standards approved in the bidding documents, request for proposals, and legal regulations on bidding, thus causing changes in the contractor selection results;

b) Failing to clarify or request additional documents to prove the contractor's eligibility, capacity and experience, thus causing changes in the assessment result regarding the contractor;

c) Allowing bidders to clarify and supplement their bids or proposals in contravention of regulations, thus changing the nature thereof and causing changes in the contractor selection results.

Article 35. Violations against regulations on contract negotiation, notification of contractor selection results and contracts

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

a) Failing to negotiate contracts or negotiating contracts without meeting the principles or contents as prescribed by the law provisions on bidding;

b) Failing to send notifications of contractor selection results to all bidders;

c) Sending notifications of contractor selection results that are incorrect or incomplete against the law provisions on bidding.

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

a) Failing to require the winning contractor to submit the contract performance security as prescribed, or having the contract performance security in contravention of regulations;

b) Failing to confiscate the contract performance security if the contractor is not entitled to return of the bid bond or contract performance security.

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

a) Signing the contract before approving the contractor selection results;

b) Implementing the bidding package before signing the contract.

4. Remedial measures: Forcible submission of the contract performance security by the winning contractor in accordance with regulations, for violations specified at Point a, Clause 2 of this Article.

Article 36. Violations against regulations on posting bidding information

1. A fine of between VND 15,000,000 and VND 20,000,000 shall be imposed for the act of failing to comply with regulations on deadlines to provide and post bidding information in accordance with the law provisions on bidding.

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

a) Failing to post or posting incompletely the bidding documents;

b) Posting bidding documents inconsistent with the approved ones.

3. A fine of between VND 30,000,000 and VND 50,000,000 shall be imposed for the act of failing to provide or post bidding information in accordance with the law provisions on bidding.

Article 37. Violation of prohibitions in bidding

A fine of between VND 200,000,000 and VND 300,000,000 shall be imposed for one of the following acts which is not a crime as prescribed in Article 222 of the Penal Code:

1. Illegally interfere in bidding activities.

2. Committing collusion in bidding.

3. Committing fraud in bidding.

4. Making obstacles for bidding activities.

5. Violating law regulations on ensuring fairness and transparency in

bidding activities.

6. Organizing contractor selection when the source of capital for the bidding package has not been determined, leading to arrears of the contractor's capital.

7. Transferring contracts illegally.

Article 38. Violations against regulations on other regulations on bidding

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

a) Failing to retain or adequately retaining documents during the contractor selection process in contravention of the law provisions on bidding;

b) Failing to comply with the time prescribed in the law provisions on bidding during contractor selection process;

c) Failing to periodically report on the bidding in accordance with the law provisions on bidding;

d) Failing to provide or incompletely/improperly providing bidding information, requests and documents in service of inspection, examination, monitoring and supervision of bidding activities.

2. A fine of between VND 30,000,000 and VND 50,000,000 shall be imposed upon:

a) Individuals participating in bidding activities without possessing certificates of training in bidding, certificates of practice in bidding activities as prescribed by the law provisions on bidding;

b) Individuals participating in expert groups or organizations appraising bidding contents without making written commitments as prescribed by the law provisions on bidding;

c) Failure to organize online bidding for bidding packages entitled thereto on the prescribed schedule.

3. A fine of between VND 50,000,000 and 100,000,000 shall be imposed for one of the following acts:

a) Organizing basic bidding training courses without ensuring the training programs and duration as prescribed by the law provisions on bidding;

b) Exploiting and using bidding information and documents attached on the national bidding network system in any form and by any means without the permission of the Ministry of Planning and Investment and the organization operating the system, except for information on the list of open databases as prescribed.

Section 2

ADMINISTRATIVE VIOLATIONS AGAINST REGULATIONS ON BIDDING REGULATIONS REGARDING SELECTION OF INVESTORS FOR LAND-USING INVESTMENT PROJECTS, PENALTIES, FINE LEVELS AND REMEDIAL MEASURES THEREOF

Article 39. Violations against regulations on making and approving the list of land-using investment projects

A fine of between VND 20,000,000 and VND 30,000,000 shall be imposed for the act of making and approving a list of ineligible land-using investment projects as prescribed by the law provisions on bidding.

Article 40. Violations against regulations on bidding documents and request for proposals

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

a) Issuing bidding documents, request for proposals without meeting the prescribed conditions;

b) Failing to prepare, appraise, or approve bidding documents and request for proposals before selecting investors;

c) Appraising and approving bidding documents and request for proposals ultra vires;

d) Making, appraising, or approving the bidding documents, or request for proposals against regulations on bidders' eligibility, bidding incentives, and assessment standards;

dd) Approving bidding documents or request for proposals against the approved investor selection plan.

2. A fine of between VND 30,000,000 and VND 50,000,000 shall be imposed for imposing conditions to restrict participation of bidders or give advantage to bidder(s) and thus causing unfair competition.

Article 41. Violations against regulations on organization of investor selection and assessment of bids and proposals

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

a) Failing to specify or incompletely/incorrectly specifying in the notice to bidders or invitation to bid the address from which the bidding documents, request for proposals are sent;

b) Modifying and clarifying the bidding documents, request for proposals without sending notifications thereof in accordance with regulations;

c) Failing to receive or receiving/managing bids and proposals from

investors in contravention of regulations;

d) Failing to issue bidding documents and request for proposals for investors at the time and place stated in the notice to bidders;

dd) Failing to assess bids and proposals of investors as prescribed;

e) Failing to notify investor selection results.

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

a) Failing to adhere to the time for bid opening and bid closing specified in the bidding documents or notice to bidders;

b) Failing to send bid opening records to bidders;

c) Submitting, appraising, approving, publicizing a shortlist or investor selection results incompletely, inaccurately or ultra vires;

d) Submitting, appraising and approving investor selection results against the approved investor selection plan.

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

a) Evaluating investors' bids and proposals against the assessment standards approved in the bidding documents or request for proposals, whereby the investor selection results do not change

b) Allowing investors to clarify their eligibility, capacity and experience without changing the nature thereof;

c) Failing to appraise investor selection results before approving them;

d) Failing to appraise a shortlist or list of investors satisfying the technical requirements.

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

a) Selecting investors when the prescribed conditions are not satisfied;

b) Designating an investor to implement a land-using investment project when the prescribed conditions are not satisfied.

5. A fine of between VND 100,000,000 and VND 150,000,000 shall be imposed for one of the following acts:

a) Evaluating bids and proposals of investors against the assessment standards approved in the bidding documents and request for proposals, thus causing changes in investor selection results;

b) Allowing investors to clarify their eligibility, capacity and experience, thus causing changes in the nature thereof.

Article 42. Violations against regulations on investor selection

contracts

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

a) Failing to conduct preliminary contract negotiations during investor selection process;

b) Signing a contract against the investor selection plan.

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

a) Signing a contract before approving the investor selection results;

b) Deploying the construction before signing the contract.

Chapter IV

VIOLATIONS AGAINST REGULATIONS ON ENTERPRISE REGISTRATION, PENALTIES, FINE LEVELS AND REMEDIAL MEASURES THEREOF

Article 43. Violations against regulations on preparing the application for enterprise registration

A fine of between VND 20,000,000 and VND 30,000,000 shall be imposed for providing inaccurate or untruthful information in the application for enterprise registration or the application for registration of changes in business registration information with the attempt to be granted the Enterprise Registration Certificate or the Certification of changes in business registration information.

Article 44. Violations against regulations on deadline for registering adjustments to certificates of enterprise registration

1. A warning shall be imposed for the act of registering adjustments to certificates of enterprise registration, certificates of branch/representative office/business location registration 01 day to 10 days behind schedule.

2. A fine of between VND 3,000,000 and VND 5,000,000 shall be imposed for the act of registering adjustments to certificates of enterprise registration, certificates of branch/representative office/business location registration 11 – 30 days behind schedule.

3. A fine of between VND 5,000,000 and VND 10,000,000 shall be imposed for the act of registering adjustments to certificates of enterprise registration, certificates of branch/representative office/business location registration 31 - 90 days behind schedule.

4. A fine of between VND 10,000,000 and VND 20,000,000 shall be imposed for the act of registering adjustments to certificates of enterprise

registration, certificates of branch/representative office/business location registration 90 days or more behind schedule.

5. A fine of between VND 20,000,000 and VND 30,000,000 shall be imposed for the act of failing to register adjustments to certificates of enterprise registration, certificates of branch/representative office/business location registration 11 – 30 days behind schedule.

6. Remedial measures:

a) Forcible registration of adjustments to certificates of enterprise registration, certificates of branch/representative office/business location registration, for violations specified in Clause 1, Clause 2, Clause 3 and Clause 4 of this Article in case the adjustments have not been registered as prescribed;

b) Forcible registration of adjustments to certificates of enterprise registration, certificates of branch/representative office/business location registration, for violations specified in Clause 5 of this Article.

Article 45. Violations against regulations on disclosure of enterprise registration information

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

a) Failing to publicize enterprise registration information on the national enterprise registration portal;

b) Publicizing enterprise registration information on the national enterprise registration portal behind schedule.

2. Remedial measures: Forcible publicization of enterprise registration information on the national business registration portal, for violations specified at Point a, Clause 1 of this Article.

Article 46. Violations against regulations on enterprise establishment

1. A fine of between VND 10,000,000 and VND 20,000,000 shall be imposed for the act of failing to ensure the number of members and shareholders as prescribed.

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

a) Contributing capital to establish an enterprise or registering capital contribution, purchase of shares/capital contributions of a business organization in contravention of the forms prescribed by the law provisions;

b) Contributing capital or purchasing shares/capital contributions without the right thereto.

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

a) Failing to carry out the prescribed procedures for adjusting capital or

changing founding members/shareholders at the business registration authority after the deadlines, for capital contribution and for adjustment of capital in case members/founding shareholders do not adequately contribute capital, have expired but no members/founding shareholders fulfill their commitments to contributing capital;

b) Incorrectly assess the value assets contributed as capital in a deliberate manner.

4. A fine of between VND 50,000,000 and 100,000,000 shall be imposed for one of the following acts:

a) Doing business as an enterprise without registering an enterprise establishment;

b) Carrying on the business after the certificate of enterprise registration is revoked or a competent State agency suspends the business/operations or terminates the business.

In case there are violations against tax law regulations, penalties for administrative violations against regulations on taxation shall prevail.

5. Remedial measures:

a) Forcible change of capital contributors, purchasers of shares/capital contributions, for violations specified at Point b, Clause 2 of this Article;

b) Forcible implementation of procedures for capital adjustment or change of founding members/shareholders, for violations specified at Point a, Clause 3 of this Article;

c) Forcible registration of enterprise establishment, for violations specified at Point a, Clause 4 of this Article.

Article 47. Violations against regulations on declaration of charter capital

1. A fine of between VND 20,000,000 and VND 30,000,000 shall be imposed for the act of making false declarations of charter capital with a value of less than VND 10 billion.

2. A fine of between VND 30,000,000 and VND 40,000,000 shall be imposed for the act of making false declarations of charter capital with a value of between VND 10 billion and under VND 20 billion.

3. A fine of between VND 40,000,000 and VND 60,000,000 shall be imposed for the act of making false declarations of charter capital with a value of between VND 20 billion and under VND 50 billion.

4. A fine of between VND 60,000,000 and VND 80,000,000 shall be imposed for the act of making false declarations of charter capital with a value of between VND 50 billion and under VND 100 billion.

5. A fine of between VND 80,000,000 and VND 100,000,000 shall be

imposed for the act of making false declarations of charter capital with a value of VND 100 billion or more.

6. Remedial measures: Forcible registration of the change in charter capital to make it equal to the actual contributed capital, for violations specified in Clauses 1, 2, 3, 4 and 5 of this Article.

Article 48. Violations against regulations on reporting and complying with requests of business registration authorities

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

a) Failing to submit a report or submitting a report behind schedule at the request of a business registration authority;

b) Submitting an incomplete or inaccurate report at the request of a business registration authority.

2. A fine of between VND 15,000,000 and VND 20,000,000 shall be imposed for one of the following acts:

a) Carrying on a conditional business line after a suspension has been requested by a business registration authority;

b) Failing to register the change of the enterprise's name at the request of a business registration authority when such name infringes upon industrial property right.

3. Remedial measures:

a) Forcible submission of reports to the business registration authorities in case no report has been submitted, for the violations specified at Point a, Clause 1 of this Article;

b) Forcible addition of complete and accurate information to the reports submitted to the business registration authorities, for violations specified at Point b, Clause 1 of this Article;

c) Forcible change of the enterprise's name or forcible removal of the infringing element in the enterprise's name, for the violations specified at Point b, Clause 2 of this Article.

Article 49. Violations against regulations on notifying changes in enterprise registration information

1. A warning shall be imposed for the act of notifying changes in the enterprise registration information 01 day to 10 days behind schedule.

2. A fine of between VND 3,000,000 and VND 5,000,000 shall be imposed for the act of notifying changes in the enterprise registration information 11 - 30 days behind schedule.

3. A fine of between VND 5,000,000 and VND 10,000,000 shall be imposed for the act of notifying changes in the enterprise registration

information 31 – 90 days behind schedule.

4. A fine of between VND 10,000,000 and VND 20,000,000 shall be imposed for the act of notifying changes in the enterprise registration information 91 days or more behind schedule.

5. A fine of between VND 20,000,000 and VND 30,000,000 shall be imposed for the act of failing to notify changes in business registration information as prescribed.

6. Remedial measures:

a) Forcible sending of notifications to the business registration authorities, for the violations specified in Clauses 1, 2, 3 and 4 of this Article in case the changes have not been notified as prescribed;

b) Forcible sending of notifications to the business registration authorities, for violations specified in Clause 5 of this Article.

Article 50. Violations against regulations on other notification obligations

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

a) Failing to notify or notifying behind schedule to the business registration authority or tax authority of the lease of a private enterprise.

In case there are violations against tax law regulations, penalties for administrative violations against regulations on taxation shall prevail;

b) Failing to notify or notifying behind schedule to the business registration authority in the locality, where the enterprise's head office is located, of the changes, if there are such, in information about an organization/company being the authorized representative of the owners/members of a limited company;

c) Failing to notify or notifying behind schedule to the business registration authority of the time and duration of business suspension or time of resumption.

2. Remedial measures:

a) Forcible notification to the business registration authority or tax authority of the lease of a private enterprise, if the notification thereof has not been sent, for violations specified at Point a, Clause 1 of this Article;

b) Forcible notification to the business registration authority of the changes, if there are such, in information about an organization/company being the authorized representative of the owners/members of a limited company, if the notification thereof has not been sent, for violations specified at Point b, Clause 1 of this Article;

c) Forcible notification to the business registration authority of the time

and duration of business suspension or time of resumption, if the notification thereof has not been sent, for violations specified at Point c, Clause 1 of this Article.

Article 51. Violations against regulations on legal representatives and authorized representatives of enterprises

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

- a) Failing to have a legal representative residing in Vietnam;
- b) Failing to authorize a person in writing to act as a representative, or failing to extend such written authorization, when the only legal representative of the enterprise leaves Vietnam;
- c) Authorizing an unqualified person to act as an authorized representative;
- d) Authorizing more representatives than the number prescribed by the law provisions.

2. Remedial measures:

- a) Forcible appointment of a person residing in Vietnam as the enterprise's representative, for violations specified at Point a, Clause 1 of this Article;
- b) Forcible authorization of another person to act as a representative, for violations specified at Point b, Clause 1 of this Article;
- c) Forcible replacement of the unqualified representative with a qualified one as prescribed, for violations specified at Point c, Clause 1 of this Article.

Article 52. Violations against other regulations on organization and management of enterprises

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

- a) Appointing a person who does not have the right to enterprise management to hold a managerial position;
- b) Appointing an unqualified person as the Director (General Director).

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

- a) Failing to issue the certificate of capital contribution to a company's member;
- b) Failing to make a register of members/shareholders;
- c) Failing to put up the enterprise's name at its head office, failing to put up the name of the enterprise's branch, representative office or business location at its location;

d) Failing to retain documents at the head office or another location specified in the company's charter.

3. Remedial measures:

a) Forcible removal of the person who does not have the right to enterprise management from the holding managerial position, for the violations specified at Point a, Clause 1 of this Article;

b) Forcible dismissal of the unqualified Director (General Director), for the violations specified at Point b, Clause 1 of this Article;

c) Forcible issuance of certificates of capital contribution to the enterprise's members as prescribed, for violations specified at Point a, Clause 2 of this Article;

d) Forcible making of a register of members/shareholders as prescribed, for violations specified at Point b, Clause 2 of this Article;

dd) Forcible putting up the enterprise's name at its head office, writing or putting on the name of the enterprise's branch, representative office or business location, for the violations specified at Point c, Clause 2 of this Article.

Article 53. Violations against regulations on the Control Board

1. A fine of between VND 20,000,000 and VND 30,000,000 shall be imposed for the act improperly organizing the Control Board or having one with unsatisfactory composition.

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

a) Failing to establish a Control Board in case the establishment thereof is compulsory;

b) Appointing an unqualified person as Head of the Control Board or Controller.

3. Remedial measures:

a) Forcible reorganization of the Control Board in accordance with the law provisions, for violations specified in Clause 1 of this Article;

b) Forcible establishment of a Control Board in accordance with the law provisions, for violations specified at Point a, Clause 2 of this Article;

c) Forcible dismissal of the Head of the Control Board or the Controller who is unqualified, for the violations specified at Point b, Clause 2 of this Article.

Article 54. Violations against regulations on establishment, shutdown of branches, representative offices and business locations of enterprises

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

a) Doing business at a location without notifying the business registration authority in the locality where the enterprise (in case the business location is affiliated to an enterprise) or the branch (in case the business location is affiliated to a branch) conducts business activities.

In case there are violations against tax law regulations, penalties for administrative violations against regulations on taxation shall prevail;

b) Shutting down a branch, representative office, or business location without notifying the business registration authority;

c) Relocating a branch/representative office to another province or municipality other than where such branch/representative office has been registered without notifying the business registration authority in the destination thereof.

2. Remedial measures: Forcible sending of notifications to the business registration authority, for violations specified in Clause 1 of this Article.

Article 55. Violations against regulations on partnerships

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

a) Failing to have at least 02 members who are co-owners of the company;

b) Having a general partner who is concurrently an owner of a private enterprise or a general partner of another partnership (unless otherwise agreed upon by the remaining general partners);

c) Failing to have the company's capital adequately contributed by general partners or capital contributors as committed within 15 days from the date of approval unless the Members' Council decides otherwise.

2. Remedial measures: Forcible addition of general partners to meet the required number thereof, for violations specified at Point a, Clause 1 of this Article.

Article 56. Violations against regulations on private enterprises

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

a) Contributing capital or purchasing capital contributions/shares of a partnership, limited liability company, or joint-stock company;

b) Failing to adequately record the increases or decreases of capital; the entire capital and assets including loan capital and leased assets serving the enterprise's operation in the accounting books;

c) Failing to register with the business registration authority before lowering the capital against the registered amount;

d) Establishing many private enterprises or concurrently being the owner

of a business household or a general partner of a partnership;

dd) Purchasing a private enterprise without registering the change of its owner.

2. Remedial measures: Forcible registration of the change of the private enterprise's owner, for violations specified at Point dd, Clause 1 of this Article.

57. Violations against regulations on division, separation, consolidation or merger of enterprises

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

a) Failing to send or sending behind schedule the Resolution/Decision on division of the company to all creditors and the notification thereof to employees;

b) Failing to register the change in charter capital, the number of members/shareholders making capital contributions/holding shares, and the decrease in the number of members and shareholders (if any) after the enterprise is separated, or failing to register the separate enterprises;

c) Failing to send or sending behind schedule the Resolution/Decision on separation of the company to all creditors and the notification thereof to employees;

d) Failing to send or sending behind schedule the Consolidation Contract to all creditors and the notification thereof to employees

dd) Failing to send or sending behind schedule the Merger Contract to all creditors and the notification thereof to employees

e) Failing to send or sending behind schedule a written notice to the business registration authority in the locality where the merged enterprise's head officer is located in order to terminate the existence of the merging enterprises from the date of merger.

2. Remedial measures:

a) Forcible sending of the Resolution/Decision on division of the company to all creditors and the notification thereof to employees, in case they have not been sent, for violations specified at Point a, Clause 1 of this Article.

b) Forcible registration of the change in charter capital, the number of members/shareholders making capital contributions/holding shares, and the decrease in the number of members and shareholders (if any) or forcible registration of the separate enterprises by the enterprise being separated, for violations specified at Point b, Clause 1 of this Article;

c) Forcible sending of the Resolution/Decision on separation of the company to all creditors and the notification thereof to employees, in case they have not been sent, for violations specified at Point c, Clause 1 of this Article;

d) Forcible sending of the Consolidation Contract to all creditors and the notification thereof to employees, in case it has not been sent, for violations specified at Point d Clause 1 of this Article;

dd) Forcible sending of the Merger Contract to all creditors and the notification thereof to employees, in case it has not been sent, notice of violations specified at Point dd, Clause 1 of this Article;

e) Forcible sending of the written notice to the business registration authority in the locality where the merged enterprise's head officer is located, in case it has not been sent, for violations specified at Point e, Clause 1 of this Article.

Article 58. Violations against regulations on enterprise dissolution

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

a) Failing to initiate procedures for enterprise dissolution at the end of the operation term stated in the company's charter, unless otherwise an extension decision is made;

b) Failing to initiate procedures for enterprise dissolution when the minimum number of members as prescribed is not ensured in 06 consecutive months, unless procedures for enterprise conversion have been initiated;

c) Failing to initiate procedures for terminating the operation of the company's branches, representative offices and business locations before the enterprise dissolution application is sent.

2. Remedial measures:

a) Forcible implementation of enterprise dissolution procedures, for violations specified at Points a and b, Clause 1 of this Article;

b) Forcible implementation of procedures for terminating the operation of branches, representative offices or business locations, for violations specified at Point c, Clause 1 of this Article.

Article 59. Violations against regulations on parent company-subsidary company relationships

A fine of between VND 50,000,000 and VND 70,000,000 shall be imposed upon:

1. Any subsidiary that contributes capital to or purchase shares of its parent company;

2. Subsidiaries of the same parent company contribute capital or purchase shares to obtain cross-ownership;

3. Subsidiaries of the same parent company (of which the State owns at least 65% capital) contribute capital to establish an enterprise.

Article 60. Violations against regulations on social enterprises

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

a) Failing to use at least 51% of annual profit for reinvestment in achievements of social or environmental objectives as registered;

b) Failing to use sponsorships for proper purposes;

c) Failing to send or sending behind schedule the commitment/notification to the business registration authority in the locality where the enterprise's head office is located when there are changes in the commitment to achieve social or environmental objectives or such commitment is terminated;

d) Failing to maintain operational objectives and conditions as prescribed during its operation.

2. Remedial measures:

a) Forcible provision of sufficient capital to reinvest in achievements of registered objectives, for violations specified at Point a, Clause 1 of this Article;

b) Forcible refund of sponsorships used for improper purposes, for violations specified at Point b, Clause 1 of this Article;

c) Forcible sending of the commitment/notification to the business registration authority as prescribed, in case it has not been sent, for violations specified at Point c, Clause 1 of this Article;

d) Forcible performance of operational objectives and conditions as prescribed during its operation, for violations specified at Point d, Clause 1 of this Article.

Article 61. Violations against regulations on publishing information about state-owned enterprises

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

a) Failing to comply, or complying with regulations on information disclosure but publicizing information inadequately or behind schedule;

b) Having more than 01 legal representative without notifying the state ownership representative agency or publicizing on the enterprise's e-portal/website;

c) Authorizing another person to disclose information without sending a notification of such authorization to the state ownership representative agency and the Ministry of Planning and Investment;

d) Suspending information disclosure without reporting the reasons for the suspension or sending a notice requesting the suspension of information disclosure to the state ownership representative agency.

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

- a) Failing to create the enterprise's website as prescribed;
- b) Failing to develop the enterprise's regulations on information disclosure as prescribed;
- c) Failing to periodically and irregularly publicize information on the enterprise's website, the ownership representative's e-portal/website, and the enterprise portal as prescribed.

3. Remedial measures:

- a) Forcible disclosure of information in case the information has not been publicized, or supplementation/modification of the publicized information, for violations specified at Point a, Clause 1 of this Article;
- b) Forcible reporting and notification of information as prescribed, for violations specified at Points b, c and d, Clause 1 of this Article;
- c) Forcible establishment of the enterprise's website according to regulations, for violations specified at Point a, Clause 2 of this Article;
- d) Forcible development of regulations on information disclosure as prescribed, for violations specified at Point b, Clause 2 of this Article;
- dd) Forcible publicization of information on the enterprise's website, the ownership representative's e-portal/website, and the enterprise portal, for the violations specified at Point c, Clause 3 of this Article.

Article 62. Violations against regulations on registration of business households

1. A fine of between VND 5,000,000 and VND 10,000,000 shall be imposed upon:

- a) An individual and members of a household register more than one business household;
- b) Establishment of a business household without the right thereto;
- c) Failure to register the establishment of a business household in case the registration thereof is required as prescribed;
- d) Failure to register adjustments to the Certificate of business household registration with the district-level business registration authority within 10 days after such adjustments are made.

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

- a) Providing inaccurate or untruthful information in the application for business household registration or the application for registration of changes in business household registration information.

In case there are violations against tax law regulations, penalties for administrative violations against regulations on taxation shall prevail;

b) Carrying on a conditional business line after a suspension has been requested by the district-level business registration authority.

3. Remedial measures:

a) Forcible registration of establishment of business households as prescribed, for violations specified at Point c, Clause 1 of this Article;

b) Forcible registration of adjustments to certificates of business household registration, in case such adjustments have not been registered, for violations specified at Point d, Clause 1 of this Article.

Article 63. Violations against regulations on reporting information of business households

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

a) Failing to report the business situation at the request of the district-level business registration authority;

b) Change the head of a business household without sending notifications of changes in business household registration to the business registration authority in the district where it is registered;

c) Suspending or resuming the business before the notified time without sending a written notice to the business registration authority in the district where it is registered;

d) Changing the business location without notifying the district-level business registration authority;

dd) Shutting down the business household without notifying the district-level business registration authority or returning the original certificate of business household registration to the authority;

e) Changing business lines without notifying the business registration authority of the district where the business household is headquartered;

g) Doing business at multiple locations without notifying the business registration authority of the district where the business household is headquartered, the tax office, or the market surveillance authority.

In case there are violations against tax law regulations, penalties for administrative violations against regulations on taxation shall prevail.

2. Remedial measures:

a) Forcible reporting of the business situation upon request, for violations specified at Point a, Clause 1 of this Article;

b) Forcible sending of notifications to the district-level business registration authority, for violations specified at Points b, c, d, dd, e and g, Clause 1 of this Article.

64. Violations against regulations on registration of cooperatives and

cooperative associations

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

a) Failing to register in accordance with regulations the changes, if any, in the name, head office address, production and business lines, charter capital, legal representative of cooperative/cooperative association; the name, address, representative of the branch, representative office thereof with the competent State agency that has granted it the certificate of registration;

b) Registering behind schedule the changes, if any, in the name, head office address, production and business lines, charter capital, legal representative of cooperative or cooperative association; the name, address, representative of the branch, representative office thereof with the competent State agency that has granted it the certificate of registration.

2. A fine of between VND 20,000,000 and VND 30,000,000 shall be imposed for the act of providing inaccurate and untruthful information in the application for cooperative/cooperative association registration certificate or the certification of changes in cooperative/cooperative association registration information.

3. Remedial measures: Forcible registration of adjustments to cooperative/cooperative association registration certificates, for violations specified at Point a, Clause 1 of this Article.

Article 65. Violations against regulations on activities of cooperatives and cooperative associations

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

a) Failing to hold annual general meetings of the cooperative/cooperative association's members within 03 months from the end of the fiscal year;

b) Failing to make a member register after being granted a cooperative/cooperative association registration certificate or making an incomplete member register as prescribed;

c) Failing to provide information or providing incomplete, untimely, inaccurate information on production, business, finance, income distribution and other contents as prescribed;

d) Failing to retain documents of cooperatives and cooperative associations as prescribed.

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

a) Doing business as a cooperative or cooperative association without applying for a cooperative/cooperative association registration certificate;

b) Doing business in lines not stated in the cooperative/cooperative

association registration certificate;

c) Carrying on the business operation during the suspension period announced by the cooperative/cooperative association.

In case there are violations against tax law regulations, penalties for administrative violations against regulations on taxation shall prevail;

d) Doing business in conditional lines when the business conditions as prescribed by the law provisions are not satisfied;

dd) Carrying on the business after the cooperative/cooperative association registration certificate is revoked.

3. Remedial measures:

a) Forcible making of a register of members as prescribed or forcible addition of missing information to the register, for violations specified at Point b, Clause 1 of this Article;

b) Forcible provision of information or forcible addition of complete and accurate information on production, business, finance, income distribution and other contents as prescribed, for violations specified in Clause 1 of this Article. Point c, Clause 1 of this Article;

c) Forcible retention of documents of cooperatives and cooperative associations as prescribed, for violations specified at Point d, Clause 1 of this Article;

d) Forcible registration of cooperative/cooperative association establishment, for violations specified at Point a, Clause 2 of this Article.

Article 66. Violations against regulations on provision of information about cooperatives and cooperative associations

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

a) Failing to comply with the regime of reporting on the operational situation as prescribed;

b) Failing to send a notification to the competent State agency that has granted the cooperative/cooperative association registration certificate within 15 working days after the cooperative/cooperative association changes its charter, number of members/associate cooperatives, members of the board of directors or control board, controllers, and business locations.

2. Remedial measures:

a) Forcible reporting on operation of cooperatives and cooperative associations, for violations specified at Point a, Clause 1 of this Article;

b) Forcible sending of notifications to the competent State agency, for violations specified at Point b, Clause 1 of this Article.

Article 67. Violations against regulations on capital contribution to

cooperatives and cooperative associations

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

a) Failing to adequately raise capital as registered in the Charter or raising adequate capital in more than 06 months after the cooperative or cooperative association is granted the registration certificate;

b) Failing to maintain the legal capital for cooperatives engaged in business lines and trades requiring legal capital;

c) Failing to issue a certificate of capital contribution to a member of the cooperative or an associate cooperative;

d) Using sources of capital that are undistributable assets of the cooperative/cooperative association to contribute capital, purchase shares, or establish an enterprise;

dd) Contributing capital, purchasing shares, establishing an enterprise using more than 50% of the charter capital of the cooperative/cooperative association according to the latest financial statement before the time of capital contribution, share purchase, or enterprise establishment;

e) Failure to notify or notifying behind schedule the issuer of the cooperative/cooperative association registration certificate in the locality where it is headquartered of the capital contribution, share purchase, or enterprise establishment.

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

a) Contributing capital, purchasing shares, establishing an enterprise by a cooperative or cooperative association without approval by the general meeting of members;

b) Allowing a member to contribute more than 20% capital of the cooperative, or an associate cooperative to contribute more than 30% capital of the cooperative association.

3. A fine of between VND 30,000,000 and VND 50,000,000 shall be imposed for cheating in the valuation of assets contributed as capital.

In case there are violations against tax law regulations, penalties for administrative violations against regulations on taxation shall prevail.

4. Remedial measures:

a) Forcible supplementation of the registered capital, in case of failing to adequately raise capital, for violations specified at Point a, Clause 1 of this Article;

b) Enforce the issuance of a capital contribution certificate to a member of the cooperative or an associate cooperative, for violations specified at Point c,

Clause 1 of this Article;

c) Forcible return of capital sources that are undistributable assets of the cooperative or cooperative association, for violations specified at Point d, Clause 1 of this Article;

d) Forcible adjustment of the total investment in the form of capital contribution, share purchase, or enterprise establishment, for violations specified at Point dd, Clause 1 of this Article;

dd) Forcible notification to the issuer of the cooperative/cooperative association registration certificate, in case the such notification has not been sent, for violations specified at Point e, Clause 1 of this Article;

e) Forcible adjustment of the capital contribution ratio in accordance with regulations, for violations specified at Point b, Clause 2 of this Article.

Article 68. Violations against regulations on division, separation and merger of cooperatives and cooperative associations

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

a) Failing to notify in writing the creditors, organizations and individuals having economic relations with the cooperative/cooperative association of the decision on division or separation thereof, and failing to settle related issues before initiating procedures for establishing a new cooperative/cooperative association;

b) Failing to notify in writing the creditors, organizations and individuals having economic relations with the cooperative/cooperative association of the consolidation decision and plan;

c) Failing to notify in writing the creditors, organizations and individuals having economic relations with the cooperative/cooperative association of the merger decision.

2. Remedial measures: Forcible notification in writing to the creditors, organizations and individuals having economic relations with the cooperative/cooperative association, for violations specified in Clause 1 of this Article. Clause 1 of this Article.

Article 69. Violations against regulations on activities of branches, representative offices and business locations of cooperatives and cooperative associations

1. A fine of between VND 10,000,000 and VND 20,000,000 shall be imposed upon:

a) Business lines of a branch unconfomable with that of the cooperative/cooperative association;

b) Branches, representative offices and business locations not named after the cooperative/cooperative association.

2. A fine of between VND 20,000,000 and VND 30,000,000 shall be imposed for the act of dishonestly or inaccurately registering changes in registered information about branches, representative offices or business locations.

3. Remedial measures: Forcible adjustment of the name of the branch or representative office, for violations specified at Point b, Clause 1 of this Article.

Chapter V

ADMINISTRATIVE VIOLATIONS AGAINST REGULATIONS ON PLANNING, PENALTIES, FINE LEVELS AND REMEDIAL MEASURES THEREOF

Article 70. Violations against regulations on reporting and provision of planning information

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

a) Providing planning information in the form unconformable with the regulations;

b) Posting planning information in contravention of regulations;

c) Failing to update the information and data of the approved documents into the national planning information system and online planning database within 10 days after the date of approval,

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

a) Failing to comply with the reporting regime or reporting untruthfully or inaccurately on the planning process;

b) Failing to provide planning information as prescribed;

c) Failing to detain planning documents or incompletely detaining planning documents as prescribed.

3. A fine of between VND 100,000,000 and 150,000,000 shall be imposed for one of the following acts:

a) Intentionally providing false planning information;

b) Destroying, forging or falsifying dossiers, papers and documents related to the planning;

c) Obstructing agencies, organizations and individuals from giving opinions on planning activities.

4. Remedial measures:

a) Forcibly update of the information and data of the approved documents into the national planning information system and online planning database, in case such information and data have not been updated, for violations specified at Point c, Clause 1 of this Article;

b) Forcible provision of information, for violations specified at Point b, Clause 2 of this Article;

c) Forcible detention of planning documents or supplementation of planning archives, for violations specified at Point c, Clause 2 of this Article;

d) Forcible correction of planning information, for violations specified at Point a, Clause 3 of this Article.

Article 71. Violations against regulations on plan formulation and adjustment

1. A fine of between VND 30,000,000 and VND 50,000,000 shall be imposed for the act of adjusting the plans against the prescribed order and procedures.

2. A fine of between VND 50,000,000 and VND 100,000,000 shall be imposed for the act of prolonging the planning period as prescribed.

3. A fine of between VND 300,000,000 and VND 500,000,000 shall be imposed for the act of adjusting the plans ultra vires.

Article 72. Violations against regulations on plan implementation

1. A fine of between VND 50,000,000 and VND 70,000,000 shall be imposed for the act of formulating detailed implementation plans against the master plan.

2. A fine of between VND 70,000,000 and VND 100,000,000 shall be imposed for the act of failing to implement or improperly implementing the approved or decided plans.

3. Remedial measures: Forcible re-formulation of detailed implementation plans to ensure the correct planning contents, for violations specified in Clause 1 of this Article.

Chapter VI

POWERS TO IMPOSE PENALTIES UPON ADMINISTRATIVE VIOLATIONS

Article 73. The power to impose penalties of inspectors of planning and investment authorities

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

- a) Issue warnings;
- b) Impose a maximum fine of VND 1,000,000.

2. Chief Inspectors of the provincial-level Departments of Planning and Investment, chiefs of specialized inspectorates of provincial-level departments are entitled to:

- a) Issue warnings;
- b) Impose a maximum fine of VND 50,000,000 for violations against regulations on business registration; impose a maximum fine of VND 100,000,000 for violations against regulations on bidding, investment and planning;
- c) Enforce remedial measures specified in this Decree.

3. Heads of specialized inspection teams of the Ministry of Planning and Investment are entitled to:

- a) Issue warnings;
- b) Impose a maximum fine of VND 70,000,000 for violations against regulations on business registration; impose a maximum fine of VND 200,000,000 for violations against regulations on bidding and investment; impose a maximum fine of VND 350,000,000 for violations against regulations on planning;
- c) Enforce remedial measures specified in this Decree.

4. The Chief Inspector of the Ministry of Planning and Investment is entitled to:

- a) Issue warnings;
- b) Impose a maximum fine of VND 100,000,000 for violations against regulations on business registration; impose a maximum fine of VND 300,000,000 for violations against regulations on bidding and investment; impose a maximum fine of VND 500,000,000 for violations against regulations on planning;
- c) Enforce remedial measures specified in this Decree.

Article 74. The power to impose penalties of the People's Committees at all levels

1. Chairpersons of commune-level People's Committees are entitled to:

- a) Issue warnings;
- b) Impose a maximum fine of VND 10,000,000.

2. Chairpersons of district-level People's Committees are entitled to:

- a) Issue warnings;
- b) Impose a maximum fine of VND 50,000,000 for violations against

regulations on business registration; impose a maximum fine of VND 150,000,000 for violations against regulations on bidding and investment; impose a maximum fine of VND 200,000,000 for violations against regulations on planning;

c) Enforce remedial measures specified in this Decree.

3. Chairpersons of provincial-level People's Committees are entitled to:

a) Issue warnings;

b) Impose a maximum fine of VND 100,000,000 for violations against regulations on business registration; impose a maximum fine of VND 300,000,000 for violations against regulations on bidding and investment; impose a maximum fine of VND 500,000,000 for violations against regulations on planning;

c) Enforce remedial measures specified in this Decree.

Article 75. The power to impose penalties of tax offices

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

a) Issue warnings;

b) Impose a maximum fine of VND 1,000,000.

2. Tax team leaders are entitled to:

a) Issue warnings;

b) Impose a maximum fine of VND 5,000,000.

3. Directors of Tax Branches are entitled to:

a) Issue warnings;

b) Impose a maximum fine of VND 50,000,000 for violations against regulations on business registration and investment;

c) Enforce remedial measures specified in this Decree.

4. Directors of Tax Departments are entitled to:

a) Issue warnings;

b) Impose a maximum fine of VND 100,000,000 for violations against regulations on business registration; impose a maximum fine of VND 140,000,000 for violations against regulations on investment;

c) Enforce remedial measures specified in this Decree.

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

a) Issue warnings;

b) Impose a maximum fine of VND 100,000,000 for violations against regulations on business registration; impose a maximum fine of VND 300,000,000 for violations against regulations on investment;

c) Enforce remedial measures specified in this Decree.

Article 76. The power to impose penalties of market surveillance authorities

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

- a) Issue warnings;
- b) Impose a maximum fine of VND 1,000,000.

2. Market surveillance team leaders, heads of the professional divisions under the Market Management Operations Department are entitled to:

- a) Issue warnings;
- b) Impose a maximum fine of VND 50,000,000 for violations against regulations on business registration and investment;

c) Enforce remedial measures specified in this Decree.

3. Directors of Market Surveillance Agencies affiliated to provincial-level Departments of Industry and Trade, Director of the Market Management Operations Department under the General Department of Market Surveillance are entitled to:

- a) Issue warnings;
- b) Impose a maximum fine of VND 100,000,000 for violations against regulations on business registration and investment;

c) Enforce remedial measures specified in this Decree.

4. The General Director of the General Department of Market Surveillance is entitled to:

- a) Issue warnings;
- b) Impose a maximum fine of VND 100,000,000 for violations against regulations on business registration; impose a maximum fine of VND 300,000,000 for violations against regulations on investment;

c) Enforce remedial measures specified in this Decree.

Article 77. Division of power to impose penalties

1. Competent persons of planning and investment inspectorates have the power to administrative penalties for administrative violations specified in this Decree in accordance with Article 73 of this Decree and within the scope of their functions, tasks, and entitlements.

2. Chairpersons of People's Committees at all levels have the power to impose administrative penalties for administrative violations specified in this Decree in accordance with Article 74 of this Decree and within the scope of their functions, tasks, and entitlements.

3. Competent persons of tax offices have the power to impose administrative penalties for administrative violations specified in Clause 2, Article 16; Article 18; Clause 2 Article 22; Article 30; Article 43; Clause 4, Article 46; Point a, Clause 2, Article 48; Point a, Clause 1, Article 50; Point a, Clause 1, Article 54; Article 56; Article 62; Article 64; Point c, Clause 1, and Clause 2, Article 65; Article 66; Clause 3, Article 67 and Article 69 of this Decree in accordance with Article 75 of this Decree and within the scope of their functions, tasks, and entitlements.

4. Competent persons of the market management authorities have the power to impose administrative penalties for administrative violations specified in Clause 3, Article 16; Clause 1 Article 17; Clause 3 Article 19; Article 43; Article 44; Clause 4, Article 46; Article 48; Article 49; Article 50; Point c, Clause 2, Article 52; Article 54; Points d and dd Clause 1 Article 56; Point d Clause 1 Article 60; Article 62; Article 63; Article 64; Points c and d, Clause 1, and Clause 2, Article 65; Articles 66 and 69 of this Decree in accordance with Article 76 of this Decree and within the scope of their functions, tasks, and entitlements.

5. In case many people have the power to impose penalties for an administrative violation, the one who first handles the case shall impose the penalties.

Article 78. Determination of the power to impose penalties

The maximum fines imposed by the persons specified in Article 73, Article 74, Article 75 and Article 76 of this Decree are imposed upon an administrative violation committed by an organization; the maximum fine such a person may imposed upon an individual is haft the maximum fine imposed upon an organization.

Article 79. The power to issue administrative violation records

1. The persons entitled to impose penalties specified in specified in Articles 73, Article 74, Article 75 and Article 76 of this Decree.

2. Officials of the People's Committees at all levels appointed to inspect and then detect administrative violations as specified in this Decree.

3. Officials of planning and investment authorities appointed as independent inspectors or members of inspection teams.

4. Officials of State management authorities appointed to inspect the State management of investment (including public investment, business investment in Vietnam, offshore investment from Vietnam, public-private partnership (PPP) investment), bidding, business registration, and planning.

5. In a case with many violations, a competent person in the performance of his/her duties must immediately make a record of acts detected as administrative violations within the scope of his/her management.

In case the record maker does not have the power to impose penalties in

such case, the original administrative violation records together with exhibits and means used to commit the administrative violations (if any) shall be transferred to the person entitled to impose penalties as prescribed in Clause 5, Article 58 of the Law on Handling of Administrative Violations.

For acts showing signs of administrative violations that do not fall within the scope of their management, the on-duty official shall make a record of the incident and immediately transfer it to the competent person.

Chapter VII

IMPLEMENTATION PROVISIONS

Article 80. Effect

This Decree takes effect from January 1, 2022 and replaces Decree No. 50/2016/ND-CP dated June 1, 2016 of the Government on penalties for administrative violations against regulations on planning and investment.

Article 81. Transitional provisions

1. For violations that occurred before the effective date of this Decree and are detected or considered for imposing penalties when this Decree takes effect, the provisions of this Decree shall prevail, given that this Decree does not provide for the legal liability thereof or provides for lesser liability.

2. For decisions on imposing penalties for administrative violations against regulations on planning and investment that have been issued or have been completely implemented before the effective date of this Decree, if the individuals or organizations that have been imposed such penalties appeal, the provisions of Decree No. 50/2016/ND-CP dated June 1, 2016 of the Government on penalties for administrative violations against regulations on planning and investment shall prevail.

Article 82. Responsibilities for implementation

The ministers, the heads of the ministerial-level agencies, the heads of the Government-attached agencies, the chairpersons of the People's Committees of the provinces and municipalities shall be responsible for the implementation of this Decree.

**ON BEHALF OF THE GOVERNMENT
FOR THE PRIME MINISTER
DEPUTY PRIME MINISTER**

Le Minh Khai