

THE GOVERNMENT

THE SOCIALIST REPUBLIC OF VIETNAM

Independence – Freedom – Happiness

No.: 88/2019/ND-CP

Hanoi, November 14, 2019

DECREE

PENALTIES FOR ADMINISTRATIVE VIOLATIONS IN MONETARY AND BANKING SECTOR

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

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

Pursuant to the Law on State Bank of Vietnam dated June 16, 2010;

Pursuant to the Law on Credit Institutions dated June 16, 2010, and the Law on amendments to the Law on Credit Institutions dated November 20, 2017;

Pursuant to the Law on deposit insurance dated June 18, 2012;

Pursuant to the Law on anti-money laundering dated June 18, 2012;

Pursuant to the Law on anti-terrorism dated June 12, 2013;

Pursuant to the Law on negotiable instruments dated November 29, 2005;

Pursuant to the Ordinance on foreign exchange dated December 13, 2005 and the Ordinance on amendments to the Ordinance on foreign exchange dated March 18, 2013;

At the request of the Governor of the State Bank of Vietnam (“SBV”);

The Government promulgates a Decree providing for penalties for administrative violations in monetary and banking sector.

Chapter I

GENERAL PROVISIONS

Article 1. Scope

1. This Decree deals with violations, penalties, fines, remedial measures, and the power to impose penalties and to make records of administrative violations in monetary and banking sector.

2. Administrative violations in monetary and banking sector include:

- a) Violations against regulations on management and use of licenses;
- b) Violations against regulations on organization and management;
- c) Violations against regulations on shares and stakes;
- d) Violations against regulations on capital mobilization and service charges;
- dd) Violations against regulations on credit extension, offer and acceptance of trusteeship, and interbank operations;
- e) Violations against regulations on provision of credit information services;
- g) Violations against regulations on foreign exchange operations and gold trading;
- h) Violations against regulations on payment, cash and vault management;
- i) Violations against regulations on purchase and investment in fixed assets and trading in real estate by credit institutions and FBBs;
- k) Violations against regulations on guarantee of safe operation of credit institutions and FBBs;
- l) Violations against regulations on deposit insurance;
- m) Violations against regulations on anti-money laundering and combating the financing of terrorism;
- n) Violations against regulations on information provision and reporting;
- o) Obstruction of investigation and failure to comply with requests of competent officials;
- p) Violations against regulations on sale, purchase and settlement of debts;
- q) Violations against regulations on information system security in banking operations.

Article 2. Regulated entities

1. This Decree applies to any organizations or individuals that commit administrative violations in the monetary and banking sector.

2. The organizations mentioned in Clause 1 of this Article include:

- a) Credit institutions and their affiliates (including domestic branches, transaction offices, representative offices and administrative units, overseas branches and representative offices, and

their wholly owned banks in foreign countries), FBBs, representative offices of foreign credit institutions and other foreign organizations performing banking operations;

b) Enterprises and their affiliates (including branches and representative offices);

c) Co-operatives, cooperative unions, and their affiliates (including branches and representative offices);

d) Other organizations duly established and operating in Vietnam.

Article 3. Penalties, fines, power to impose penalties and remedial measures

1. Primary penalties:

a) Warnings;

b) Fines.

2. Additional penalties:

a) Suspension of licenses for a fixed period. To be specific: the certificate of registration of currency exchange agent shall be suspended for 01 – 03 months; the license for foreign currency receipt and payment and other foreign currency transactions in the business of providing prize-winning electronic games for foreigners and in the casino business shall be suspended for 03 – 06 months; the license for an individual currency exchange counter shall be suspended for 01 - 06 months; the license for gold bullion trading shall be suspended for 06 – 09 months;

b) Suspension of foreign exchange operations for 03 – 06 months, or trusteeship operations for 01 – 03 months, or debt sale and purchase for 03 – 06 months, or provision of credit information services for 01 – 03 months, or the use of information technology services rendered by a third party for 01 – 03 months;

c) Confiscation of the exhibits and instrumentalities used for committing administrative violations; confiscation of licenses which have been erased or altered; confiscation of foreign currencies and Vietnamese Dong; confiscation of gold.

3. Fines and power to impose fines:

a) The maximum fine for an administrative violation in the monetary and banking sector imposed on an organization is VND 2.000.000.000 and that imposed on an individual is VND 1.000.000.000;

b) The fine for every administrative violation prescribed in Chapter II hereof is imposed on an individual. The fine imposed on an organization is twice as much as the one imposed on an individual for the same administrative violation;

c) The fine imposed for an administrative violation committed by a person working at a people's credit fund or a microfinance institution shall be 10% of the corresponding fine prescribed in Chapter II hereof; The fine imposed on the people's credit fund or the microfinance institution or their affiliate shall be twice as much as the fine imposed on the person working there;

d) The fines imposed by each competent person prescribed in Chapter III hereof are incurred by individuals. The fines each competent person may impose upon organizations are twice as much as the fines incurred by individuals.

4. Remedial measures:

Depending on the nature and severity of each administrative violation in the monetary and banking sector, the violating entity may be liable to one or some of the following remedial measures as prescribed in Chapter II hereof:

a) Enforced transfer of profits illegally obtained from the administrative violation to state budget; enforced debt recovery; enforced recovery of improperly used funds; enforced recovery of the amount of credit extended beyond the credit extension limits;

b) Enforced divestment of a subsidiary or associate company; enforced sale of shares exceeding the prescribed limits; enforced transfer of shares/stakes; enforced retrieval of transferred shares;

c) Enforced establishment of funds in accordance with law regulations; enforced maintenance of prudential ratios within a maximum period of 06 months; enforced classification of assets and creation of provisions for losses; enforced reversal of improperly used provisions for losses, and recording of debts settled by using provisions for losses on the balance sheet as prescribed; enforced invalidation of internal rules which are issued inconsistently with law regulations; enforced compliance with regulations on information system security in banking operations; enforced maintenance of the fulfillment of requirements to be issued with the certificate of eligibility to provide credit information services;

d) Enforced return/recovery of trust assets for trustors; enforced reimbursement of collected insurance premiums, and recovery of delivered insurance payouts; enforced reversal of the sale of debts;

dd) Enforced correction of false information; enforced submission of adequate and accurate reports; enforced full payment of insurance premiums;

e) Enforced sealing and punching of counterfeit money;

g) Enforced destruction of the exhibits and instrumentalities used for committing administrative violations;

h) Enforced maintenance of prescribed ratios of the value of fixed assets directly used to serve operations to sum of the charter capital or assigned capital and the fund for charter capital increase or the fund for assigned capital increase in accordance with regulations;

- i) Enforced posting of the copy of certificate of deposit insurance; enforced completion of procedures for approval for listing of shares on a foreign securities market or suspension of the listing of shares on a foreign securities market;
- k) Prohibition of expansion of operating scope, scale and regions until remedial measures against the violation have been successfully implemented;
- l) Suspension of division of dividends;
- m) Prohibition of conclusion of merchant service agreements with other acquirers;
- n) Proposed revocation of license, certificate of currency exchange agent, license to open and use an offshore foreign-currency account, license for individual currency exchange counter, or license for gold bullion trading; proposed suspension, dismissal or prohibition of violating entities and/or persons responsible for the violation from holding management and supervision positions at credit institutions or FBBs; proposed dismissal and implementation of other appropriate measures against violating entities under the competence of credit institutions or FBBs;
- o) Replacement or proposed dismissal of elected or appointed persons who commit administrative violations.

Chapter II

ADMINISTRATIVE VIOLATIONS, PENALTIES AND FINES

Section 1. VIOLATIONS AGAINST REGULATIONS ON MANAGEMENT AND USE OF LICENSES

Article 4. Violations against regulations on licenses granted by SBV

1. A fine ranging from VND 20.000.000 to VND 40.000.000 shall be imposed for the case where the name specified in documents used by an organization during its operation is different from the one specified in its license.
2. A fine ranging from VND 40.000.000 to VND 50.000.000 shall be imposed for failure to meet all conditions for commencement of operations as prescribed in Clause 2 Article 26 of the Law on Credit Institutions.
3. A fine ranging from VND 100.000.000 to VND 150.000.000 shall be imposed for committing one of the following violations:
 - a) Lending, leasing, trading or transferring the license;
 - b) Erasing or altering the contents of the license, if not liable to criminal prosecution, except for the case prescribed in Point b Clause 4 Article 27 hereof.

4. A fine ranging from VND 150.000.000 to VND 200.000.000 shall be imposed for committing one of the following violations:

a) Falsifying documents proving the satisfaction of eligibility requirements enclosed with the application for the license, if not liable to criminal prosecution, except for the case prescribed in Clause 2 Article 18, Point a Clause 4 Article 27 hereof;

b) Conducting operations against the license, except for the cases prescribed in Clause 6 Article 17, Point o Clause 4, Point c Clause 8 Article 23, Point c Clause 5, Clause 6 Article 24, and Point c Clause 4 Article 27 hereof.

5. A fine ranging from VND 300.000.000 to VND 400.000.000 shall be imposed for continuing operations after a competent authority has issued a decision on restriction, suspension or termination of operations according to Point c Clause 2 Article 59 of the Law on the State Bank of Vietnam.

6. A fine ranging from VND 400.000.000 to VND 500.000.000 shall be imposed for conducting operations without a license, except for the cases prescribed in Point c Clause 8 Article 23, Clause 8 Article 24, Clause 5 Article 27 hereof.

7. Additional penalties:

The exhibit which is the license with erased or altered contents shall be confiscated if the violation prescribed in Point b Clause 3 of this Article is committed.

8. Remedial measures:

a) Enforced transfer of benefits illegally obtained from the administrative violation prescribed in Clause 3, 4, 5 or 6 this Article to state budget;

b) Proposed revocation of the license if the violation prescribed in Clause 4 or Clause 5 of this Article is committed;

c) Proposed suspension of violating entities and/or persons responsible for the violation from holding the management or supervision position for 01 – 03 months, proposed dismissal or prohibition from holding the management or supervision position at a credit institution or FBB if the violation prescribed in Clause 3, 4, 5 or 6 of this Article is committed;

Proposed dismissal and implementation of other appropriate measures against violating entities within the competence of a credit institution or FBB.

Article 5. Violations against regulations on changes requiring written approval from SBV

1. A fine ranging from VND 20.000.000 to VND 40.000.000 shall be imposed for conducting banking operations without the written approval from SBV.

2. A fine ranging from VND 50.000.000 to VND 100.000.000 shall be imposed for failure to obtain written approval from SBV when:

- a) changing name of a credit institution or FBB;
- b) suspending business for 05 business days or more, except for the business suspension due to force majeure events; or
- c) establishing a domestic branch or transaction office; establishing a domestic representative office or administrative unit; establishing an overseas representative office or bank wholly owned by the credit institution; or commencing operations of a domestic branch or transaction office.

3. A fine ranging from VND 100.000.000 to VND 150.000.000 shall be imposed for failure to obtain the written approval from SBV when trading or transferring the stake of the owner or a capital-contributing member, trading or transferring shares of a majority shareholder, or carrying out the trading or transfer of shares which turns a majority shareholder into a minority shareholder and vice versa.

4. A fine ranging from VND 150.000.000 to VND 200.000.000 shall be imposed for failure to obtain the written approval from SBV when changing the charter capital or assigned capital.

5. A fine ranging from VND 200.000.000 to VND 250.000.000 shall be imposed for failure to obtain the written approval from SBV when:

- a) relocating the headquarters or branch of a credit institution, or relocating the FBB; or
- b) listing shares on a foreign securities market.

6. A fine ranging from VND 250.000.000 to VND 300.000.000 shall be imposed for failure to obtain the written approval from SBV when:

- a) establishing or acquiring a subsidiary or associate company as prescribed in Clause 2, Clause 3 Article 103 and Clause 3 Article 110 of the Law on Credit Institutions;
- b) making capital contribution, buying shares, transferring or purchasing stake of a credit institution according to Article 71, Point b Clause 4 Article 103 of the Law on Credit Institutions;
- c) participating in the international payment system; or
- d) carrying out the repurchase of shares resulting in reduction of charter capital as prescribed in Article 57 of the Law on Credit Institutions.

7. A fine ranging from VND 400.000.000 to VND 500.000.000 shall be imposed for failure to obtain the written approval from a competent authority when carrying out full or partial division, consolidation, merger or conversion of a credit institution or FBB.

8. Remedial measures:

a) Suspension of division of dividends until the initial charter capital is met if the violation prescribed in Point d Clause 6 of this Article is committed.

b) Enforced divestment of the subsidiary or associate company if the violation prescribed in Point a or b Clause 6 of this Article is committed;

c) Enforced obtainment of an approval for listing of shares on the foreign securities market within a maximum duration of 01 - 03 months or enforced suspension of such listing of shares on the foreign securities market if the violation prescribed in Point b Clause 5 of this Article is committed;

d) Proposed suspension of violating entities and/or persons responsible for the violation from holding the management or supervision position for 01 – 03 months, proposed dismissal or prohibition from holding the management or supervision position at a credit institution or FBB if the violation prescribed in Clause 3 or 5, or Point b or d Clause 6 of this Article is committed.

Proposed dismissal and implementation of other appropriate measures against violating entities within the competence of a credit institution or FBB.

Section 2. VIOLATIONS AGAINST REGULATIONS ON ORGANIZATION AND MANAGEMENT

Article 6. Violations against regulations on organization and management

1. A fine ranging from VND 20.000.000 to VND 30.000.000 shall be imposed for committing one of the following violations:

a) committing violations against regulations on Board of Directors, Board of Members or Board of Controllers as prescribed in Article 43, Article 44, Article 62, Clause 1 Article 70, Article 81 and Article 84 of the Law on Credit Institutions;

b) failing to ensure the fulfillment of eligibility requirements or standards by member of the Board of Directors, the Board of Controllers, or General Director (or Director) in accordance with the Law on Credit Institutions; or

c) failing to convene or convening General Meeting of Shareholders or General Meeting of Members against regulations.

2. A fine ranging from VND 30.000.000 to VND 50.000.000 shall be imposed for electing or appointing persons who are not allowed to concurrently hold more than one position as prescribed in Article 34 and Clause 3 Article 83 of the Law on Credit Institutions.

3. A fine ranging from VND 100.000.000 to VND 150.000.000 shall be imposed for committing one of the following violations:

a) electing or appointing persons who are prohibited from holding positions as prescribed in Clauses 2, 3 Article 33 of the Law on Credit Institutions; or

b) electing or appointing unqualified persons to hold the positions prescribed in Clause 5 Article 50 or Clause 2 Article 75 of the Law on Credit Institutions.

4. A fine ranging from VND 150.000.000 to VND 200.000.000 shall be imposed for electing or appointing unqualified persons to hold the positions prescribed in Clauses 1, 2, 3 and 4 Article 50 of the Law on Credit Institutions.

5. A fine ranging from VND 200.000.000 to VND 250.000.000 shall be imposed for committing one of the following violations:

a) electing or appointing persons who are prohibited from holding positions as prescribed in Clause 1 Article 33 of the Law on Credit Institutions; or

b) electing or appointing persons whose names are not specified in the list of planned personnel approved by SBV.

6. Remedial measures:

Replacement or proposed dismissal of elected or appointed persons if the violation prescribed in Clause 2, 3, 4 or 5 of this Article is committed.

Article 7. Violations against regulations on promulgation of charter/internal rules

1. A fine ranging from VND 10.000.000 to VND 20.000.000 shall be imposed for committing one of the following violations:

a) failing to submit one or more of documents indicating internal rules to SBV as prescribed by law, except for the case prescribed in Article 40 hereof;

b) failing to submit the charter or amended charter of the credit institution to SBV as prescribed in Clause 3 Article 31 of the Law on Credit Institutions;

c) failing to promulgate sufficient internal rules in accordance with law regulations.

2. A fine ranging from VND 40.000.000 to VND 80.000.000 shall be imposed for committing one of the following violations:

- a) failing to promulgate one or some of internal rules as prescribed by law;
- b) promulgating internal rules inconsistently with law regulations.

3. Remedial measures:

Enforced invalidation of internal rules that are not consistent with law regulations if the violation prescribed in Point b Clause 2 of this Article.

Article 8. Violations against regulations on internal control system and independent audit

1. A fine ranging from VND 20.000.000 to VND 30.000.000 shall be imposed for failing to submit reports on internal or independent audit results or reports on internal control system as prescribed by law.
2. A fine ranging from VND 30.000.000 to VND 50.000.000 shall be imposed for committing one of the following violations:
 - a) failing to select independent audit organization as prescribed in Clause 1 Article 42 of the Law on Credit Institutions;
 - b) failing to notify the SBV of the selected independent audit organization within 30 days as prescribed in Clause 2 Article 42 of the Law on Credit Institutions.
3. A fine ranging from VND 80.000.000 to VND 100.000.000 shall be imposed for committing one of the following violations:
 - a) The internal audit department fails to fulfill its duties defined in Clause 2 Article 41 of the Law on Credit Institutions and relevant laws;
 - b) Failing to carry out the independent audit as prescribed in Clause 1 Article 42 of the Law on Credit Institutions and relevant laws or failing to re-carry out the independent audit in case the audit report contains qualified opinions given by the independent audit organization as prescribed in Clause 3 Article 42 of the Law on Credit Institutions and relevant laws;
 - c) Failing to carry out senior management oversight, internal control, risk management and internal capital adequacy assessment as prescribed by law.
4. A fine ranging from VND 100.000.000 to VND 150.000.000 shall be imposed for failing to establish an internal audit department affiliated to the Board of Controllers.
5. A fine ranging from VND 200.000.000 to VND 250.000.000 shall be imposed for failing to build an internal control system as prescribed in Clause 1 and Clause 2 Article 40 of the Law on Credit Institutions.

Section 3. VIOLATIONS AGAINST REGULATIONS ON SHARES AND STAKES

Article 9. Violations against regulations on shares, limit on capital contribution, transfer and return of stakes

1. A fine ranging from VND 50.000.000 to VND 100.000.000 shall be imposed for committing one of the following violations:

- a) failing to issue physical share certificates within 30 days from the date of commencement of operations of a new credit institution or within 30 days from the date on which the shareholder makes full payment for shares to be purchased as promised in case a credit institution increases its charter capital;
- b) failing to meet the requirement on the percentage and duration for holding shares by founding shareholders as prescribed in Clause 5 Article 55 of the Law on Credit Institutions;
- c) committing violations against law regulations on limit on capital contribution, capital contribution percentage, transfer and return of stakes to capital-contributing members.

2. A fine ranging from VND 100.000.000 to VND 150.000.000 shall be imposed for committing one of the following violations:

- a) owning shares in excess of the limits prescribed in Clauses 1, 2 and 3 Article 55 of the Law on Credit Institutions;
- b) carrying out the repurchase of shares from shareholders resulting in failure to achieve the prudential ratios for banks as prescribed in Clause 1 Article 130 of the Law on Credit Institutions;
- c) transferring shares inconsistently with Clause 4 Article 56 of the Law on Credit Institutions.

3. Remedial measures:

- a) Enforced completion of the sale of shares exceeding the prescribed limits within a maximum duration of 06 months from the effective date of the decision on administrative penalty imposition if the violation prescribed in Point a Clause 2 of this Article is committed;
- b) Enforced maintenance of prudential ratios within a maximum duration of 06 months if the violation prescribed in Point b Clause 2 of this Article is committed;
- c) Suspension of division of dividends until remedial measures against the violation have been successfully implemented if the violation prescribed in Clause 2 of this Article is committed;
- d) Proposed suspension of violating entities and/or persons responsible for the violation from holding the management or supervision position for 01 – 03 months, proposed dismissal or prohibition from holding the management or supervision position at a credit institution or FBB if the violation prescribed in Clause 2 of this Article is committed.

Proposed dismissal and implementation of other appropriate measures against violating entities within the competence of a credit institution or FBB;

dd) Enforced adherence to law regulations on transfer of shares if the violation prescribed in Point c Clause 2 of this Article is committed.

Article 10. Violations against regulations on capital contribution and purchase of shares

1. A fine ranging from VND 100.000.000 to VND 150.000.000 shall be imposed for making capital contribution or purchasing shares with funds other than the charter capital and reserve fund, which is inconsistent with Clause 1 Article 103 and Clause 1 Article 110 of the Law on Credit Institutions.

2. A fine ranging from VND 150.000.000 to VND 200.000.000 shall be imposed for failing to establish or acquire a subsidiary or associate company when conducting business operations prescribed in Clause 2 Article 103 of the Law on Credit Institutions.

3. A fine ranging from VND 200.000.000 to VND 250.000.000 shall be imposed for failing to comply with requirements and limits announced by SBV when purchasing or holding shares of another credit institution.

4. A fine ranging from VND 250.000.000 to VND 300.000.000 shall be imposed for committing one of the following violations:

a) committing violations against regulations on limits on capital contribution and share purchase in Article 129 of the Law on Credit Institutions;

b) committing violations against regulations on limits on capital contribution and share purchase in Article 135 of the Law on Credit Institutions.

5. Remedial measures:

a) Enforced recovery of improperly used funds if the violation prescribed in Clause 1 of this Article is committed;

b) Enforced transfer of stakes or shares acquired inconsistently with law regulations if the violation prescribed in Clause 4 of this Article is committed;

c) Suspension of division of dividends until remedial measures against the violation have been successfully implemented if any of the violations prescribed in this Article is committed;

d) Enforced transfer of benefits illegally obtained from the administrative violation prescribed in Clause 1, 2 or 3 of this Article to state budget;

dd) Prohibition of expansion of operating scope, scale and regions until remedial measures against the violation have been successfully implemented if any of the violations prescribed in this Article is committed;

e) Proposed suspension of violating entities and/or persons responsible for the violation from holding the management or supervision position for 01 – 03 months, proposed dismissal or prohibition from holding the management or supervision position at a credit institution or FBB if the violation prescribed in Clause 1, 2, 3 or 4 of this Article is committed.

Proposed dismissal and implementation of other appropriate measures against violating entities within the competence of a credit institution or FBB.

Article 11. Violations against regulations on offering and transfer of shares

1. A fine ranging from VND 150.000.000 to VND 200.000.000 shall be imposed for transferring shares while holding a position as prescribed in Clause 1 Article 56 of the Law on Credit Institutions.

2. A fine ranging from VND 250.000.000 to VND 300.000.000 shall be imposed for transferring shares while implementing remedial measures according to a resolution of the General Meeting of Shareholders or SBV's decision due to personal responsibility of a member of Board of Directors or Board of Controllers, or General Director (Director), except the cases prescribed in Points a, b and c Clause 2 Article 56 of the Law on Credit Institutions.

3. Remedial measures:

a) Enforced retrieval of shares transferred as prescribed in this Article within a maximum duration of 06 months from the effective date of the decision on administrative penalty imposition;

b) Proposed suspension of violating entities and/or persons responsible for the violation from holding the management or supervision position for 01 – 03 months, proposed dismissal or prohibition from holding the management or supervision position at a credit institution or FBB if any of the violations prescribed in this Article is committed.

Proposed dismissal and implementation of other appropriate measures against violating entities within the competence of a credit institution or FBB.

Section 4. VIOLATIONS AGAINST REGULATIONS ON CAPITAL MOBILIZATION AND SERVICE CHARGES

Article 12. Violations against regulations on taking of deposits

1. A fine ranging from VND 20.000.000 to VND 40.000.000 shall be imposed for committing one of the following violations:

a) failing to publish or post information about taking of deposits and issuance of financial instruments, which must be published or posted as prescribed by law;

b) taking deposits or issuing financial instruments against openly published or posted information;

c) failing to follow procedures for taking and paying out deposits.

2. A fine ranging from VND 100.000.000 to VND 150.000.000 shall be imposed for committing one of the following violations:

a) taking deposits from or issuing financial instruments to entities that do not meet relevant eligibility requirements set by law;

b) taking deposits or issuing financial instruments against law regulations, except for the cases prescribed in Clause 1, Point a Clause 2 of this Article.

Article 13. Violations against regulations on deposit interest rates, service charges, trading and provision of derivatives

1. A fine ranging from VND 10.000.000 to VND 20.000.000 shall be imposed for committing one of the following violations:

a) failing to openly post deposit interest rates and/or service charges as prescribed;

b) posting deposit interest rates and/or service charges which are unclear and mislead customers;

c) collecting service charges against law regulations, except for the cases prescribed in Point a Clause 4 Article 14, Point m Clause 4 Article 23 hereof.

2. A fine ranging from VND 20.000.000 to VND 40.000.000 shall be imposed for applying deposit interest rates and/or service charges higher than the posted ones.

3. A fine ranging from VND 50.000.000 to VND 100.000.000 shall be imposed for committing any violations against regulations on deposit interest rates or regulations on trading and provision of interest-rate derivatives, currency derivatives, commodity derivatives and other derivatives, except for the cases prescribed in Clause 1 or Clause 2 of this Article and Point a Clause 8 Article 23 hereof.

4. Remedial measures:

a) Enforced transfer of benefits illegally obtained from the violation relating to service charges as prescribed in this Article to state budget;

b) Proposed suspension of violating entities and/or persons responsible for the violation from holding the management or supervision position for 01 – 03 months, proposed dismissal or

prohibition from holding the management or supervision position at a credit institution or FBB if the violation prescribed in Clause 3 of this Article is committed.

Proposed dismissal and implementation of other appropriate measures against violating entities within the competence of a credit institution or FBB.

Section 5. VIOLATIONS AGAINST REGULATIONS ON CREDIT EXTENSION, OFFER AND ACCEPTANCE OF TRUSTEESHIP, AND INTERBANK OPERATIONS

Article 14. Violations against regulations on credit extension

1. A fine ranging from VND 10.000.000 to VND 15.000.000 shall be imposed for committing one of the following violations:

- a) failing to comply with regulations on retention of credit extension-related documents;
- b) failing to issue guarantee commitments according to the form designed by the credit institution or FBB; or
- c) failing to publish or provide adequate information and documents to customers as prescribed by law.

2. A fine ranging from VND 15.000.000 to VND 20.000.000 shall be imposed for failing to inspect the use of borrowed funds and repayment by borrowers as prescribed by law.

3. A fine ranging from VND 20.000.000 to VND 30.000.000 shall be imposed for committing one of the following violations:

- a) making a credit extension agreement or contract without sufficient contents required by law;
- b) granting exemption or reduction of interest rates on credit extensions before promulgating internal rules or inconsistently with promulgated internal rules;
- c) approving debt rescheduling or delinquency against law regulations;
- d) imposing interests on extensions of credit against law regulations;
- dd) collecting interests on delinquent debts against law regulations; or
- e) collecting overdue loan debts against law regulations.

4. A fine ranging from VND 30.000.000 to VND 40.000.000 shall be imposed for committing one of the following violations:

- a) collecting extension of credit-related fees against law regulations; or

b) employing disbursement methods against law regulations, except for the case prescribed in Point g Clause 4 Article 23 hereof.

5. A fine ranging from VND 40.000.000 to VND 50.000.000 shall be imposed for committing one of the following violations:

- a) extending credit without entering into a written agreement or contract;
- b) extending credits to entities ineligible for credit extension as prescribed by law;
- c) extending credits without guarantee or extending credits with preferential conditions to entities prescribed in Clause 1 Article 127 of the Law on Credit Institutions;
- d) committing any violations against regulations on credit extension in Clause 3 Article 127 of the Law on Credit Institutions;
- dd) granting loans to meet loan demands which must be rejected as prescribed by law;
- e) signing agreements or commitments on issuance of guarantee beyond the power prescribed by law; or
- g) providing factoring for one or some cases in which factoring is not allowed as prescribed by law.

6. A fine ranging from VND 80.000.000 to VND 120.000.000 shall be imposed for committing one of the following violations:

- a) committing violations against regulations on limits of credit in Clauses 2, 4 Article 127, Clauses 1, 2 and 8 Article 128 of the Law on Credit Institutions;
- b) extending credits in other forms without obtaining the written approval from SBV; or
- c) committing violations against regulations on maximum loan amounts granted by credit institutions for outward investment.

7. A fine ranging from VND 120.000.000 to VND 180.000.000 shall be imposed for committing violations against limits on and conditions for extension of credits for investment or trading in shares or corporate bonds by credit institutions and FBBs.

8. A fine ranging from VND 250.000.000 to VND 300.000.000 shall be imposed for extending credits to the entities prescribed in Clauses 1, 3, 4, 5 and 6 Article 126 of the Law on Credit Institutions.

9. Remedial measures:

- a) Enforced recovery of the amounts of credit extended beyond the prescribed limits within a maximum duration of 06 months from the effective date of the decision on administrative penalty imposition if the violation prescribed in Point a Clause 6, Clause 7 of this Article is committed;
- b) Enforced recovery of debts within a maximum duration of 06 months from the effective date of the decision on administrative penalty imposition if the violation prescribed in Points b, dd Clause 5, Point b Clause 6, Clause 8 of this Article is committed;
- c) Enforced transfer of shares/stakes by majority shareholders or founding shareholders in accordance with law regulations within a maximum duration of 06 months from the effective date of the decision on administrative penalty imposition if the violation prescribed in Points b, c, d Clause 5, Point a Clause 6 of this Article is committed;
- d) Proposed suspension of violating entities and/or persons responsible for the violation from holding the management or supervision position for 01 – 03 months, proposed dismissal or prohibition from holding the management or supervision position at a credit institution or FBB if any of the violations prescribed in Clause 5, Point a Clause 6, Clause 7 and Clause 8 of this Article is committed.

Proposed dismissal and implementation of other appropriate measures against violating entities within the competence of a credit institution or FBB.

Article 15. Violations against regulations on offer and acceptance of trusteeship

1. A fine ranging from VND 80.000.000 to VND 100.000.000 shall be imposed for committing one of the following violations:

- a) offering/accepting trusteeship to/from ineligible trust beneficiaries or beyond the scope prescribed by law;
- b) entering into trust agreements which are made inconsistently with law regulations.

2. A fine ranging from VND 100.000.000 to VND 150.000.000 shall be imposed for failing to comply with trust principles when offering or accepting trusteeship.

3. Additional penalties:

Trust operations of the violating credit institution or FBB shall be suspended for 01 – 03 months if the violation prescribed in this Article is committed.

4. Remedial measures:

- a) Enforced return/recovery of trust assets for trustors if the violation prescribed in this Article is committed;

b) Proposed suspension of violating entities and/or persons responsible for the violation from holding the management or supervision position for 01 – 03 months, proposed dismissal or prohibition from holding the management or supervision position at a credit institution or FBB if the violation prescribed in this Article is committed.

Proposed dismissal and implementation of other appropriate measures against violating entities within the competence of a credit institution or FBB.

Article 16. Violations against regulations on purchase of corporate bonds

1. A fine ranging from VND 15.000.000 to VND 30.000.000 shall be imposed for failing to inspect the use of proceeds from issuance of corporate bonds.

2. A fine ranging from VND 30.000.000 to VND 40.000.000 shall be imposed for making a corporate bond purchase agreement which does not contain sufficient information as required by law.

3. A fine ranging from VND 40.000.000 to VND 50.000.000 shall be imposed for purchasing corporate bonds without entering into a bond purchase agreement as prescribed.

4. A fine ranging from VND 100.000.000 to VND 150.000.000 shall be imposed for committing one of the following violations:

a) deciding to purchase corporate bonds when bond purchase conditions are not met upon the appraisal of the plan and fulfillment of requirements for bond issuance by the enterprise;

b) failing to appraise the plan and fulfillment of requirements for bond issuance by the enterprise;

c) committing any violations against regulations on purchase of convertible corporate bonds;

d) purchasing bonds issued by an enterprise for the purpose of restructuring debts of that enterprise.

5. Remedial measures:

a) Enforced recovery of debts within a maximum duration of 01 year from the effective date of the decision on administrative penalty imposition if the violation prescribed in Clause 4 of this Article is committed;

b) Proposed suspension of violating entities and/or persons responsible for the violation from holding the management or supervision position for 01 – 03 months, proposed dismissal or prohibition from holding the management or supervision position at a credit institution or FBB if the violation prescribed in Clause 4 of this Article is committed.

Proposed dismissal and implementation of other appropriate measures against violating entities within the competence of a credit institution or FBB.

Article 17. Violations against regulations on interbank operations

1. A fine ranging from VND 10.000.000 to VND 20.000.000 shall be imposed for committing one of the following violations:

- a) updating and keeping information relating to lending/borrowing transactions, and buying/selling forward of financial instruments against law regulations;
- b) failing to confirm transactions as prescribed;
- c) failing to follow the prescribed format/contents of lending agreements or agreements for repurchase of financial instruments.

2. A fine ranging from VND 20.000.000 to VND 30.000.000 shall be imposed for committing one of the following violations:

- a) failing to comply with regulations on terms of lending, borrowing, making/taking deposits and buying/selling forward of financial instruments;
- b) failing to make payment for lending/borrowing transactions; making/taking of deposits; buying/selling forward of financial instruments in VND on the interbank electronic payment system as prescribed by law;
- c) failing to comply with procedures for buying/selling of financial instruments as prescribed;
- d) lending, borrowing, making or taking deposits beyond the authorized scope.

3. A fine ranging from VND 30.000.000 to VND 40.000.000 shall be imposed for conducting lending/borrowing transactions outside the office of a FBB in Vietnam.

4. A fine ranging from VND 40.000.000 to VND 50.000.000 shall be imposed for committing one of the following violations:

- a) failing to comply with general rules for conducting lending/borrowing transactions; buying/selling forward of financial instruments between credit institutions/FBBs; making deposits at other credit institutions inconsistently with law regulations;
- b) failing to carry out re-assessment of customers for re-determine credit limit for each customer as prescribed by law;
- c) failing to comply with regulations on provision of information for borrowers to serve their re-assessment of customers and determination of transaction limits.

5. A fine ranging from VND 80.000.000 to VND 120.000.000 shall be imposed for buying/selling forward of financial instruments which are banned from trading.

6. A fine ranging from VND 150.000.000 to VND 200.000.000 shall be imposed for lending, borrowing or trading foreign-currency financial instruments beyond the scope of foreign exchange operations licensed by SBV.

7. Remedial measures:

Proposed suspension of violating entities and/or persons responsible for the violation from holding the management or supervision position for 01 – 03 months, proposed dismissal or prohibition from holding the management or supervision position at a credit institution or FBB if the violation prescribed in Clause 5 or Clause 6 of this Article is committed.

Proposed dismissal and implementation of other appropriate measures against violating entities within the competence of a credit institution or FBB.

Section 6. VIOLATIONS AGAINST REGULATIONS ON PROVISION OF CREDIT INFORMATION SERVICES

Article 18. Violations against principles and conditions for provision of credit information services

1. A fine ranging from VND 20.000.000 to VND 40.000.000 shall be imposed for committing one of the following violations:

- a) failing to maintain the fulfillment of all eligibility requirements for the Certificate of eligibility to provide credit information services;
- b) failing to enter into agreements or commitments on provision of credit information services according to the form prescribed by law; or
- c) failing to publish information as prescribed by law.

2. A fine ranging from VND 40.000.000 to VND 60.000.000 shall be imposed for falsifying documentary evidences of eligibility enclosed with the application for the Certificate of eligibility to provide credit information services, if not liable to criminal prosecution.

3. A fine ranging from VND 200.000.000 to VND 250.000.000 shall be imposed for providing credit information services without obtaining a Certificate of eligibility to provide credit information services from SBV.

4. Remedial measures:

- a) Enforced transfer of benefits illegally obtained from the administrative violation prescribed in Clause 2 or 3 of this Article to state budget;

- b) Proposed revocation of Certificate of eligibility to provide credit information services if the violation prescribed in Clause 2 or 3 of this Article is committed;
- c) Enforced maintenance of the satisfaction of eligibility requirements for the Certificate of eligibility to provide credit information services if the violation prescribed in Point a Clause 1 of this Article is committed.

Article 19. Violations against regulations on credit information collection and processing

1. A fine ranging from VND 20.000.000 to VND 40.000.000 shall be imposed for committing one of the following violations:

- a) collecting credit information beyond the authorized scope as prescribed by law;
- b) collecting credit information on borrowers without their consent, unless such credit information is collected at the request of a competent authority;
- c) using negative information on borrowers to create credit information products against law regulations;
- d) obstructing the lawful collection of credit information.

2. A fine ranging from VND 40.000.000 to VND 80.000.000 shall be imposed for intentionally falsifying credit information.

3. A fine ranging from VND 80.000.000 to VND 100.000.000 shall be imposed for illegally collecting information classified as state secrets.

4. Additional penalties:

- a) The instrumentalities for committing the violation prescribed in Clause 3 of this Article shall be confiscated;
- b) The provision of credit information services shall be suspended for 01 – 03 months if the violation prescribed in Clause 2 or 3 of this Article is committed.

5. Remedial measures:

Enforced correction of false information if the violation prescribed in Clause 2 of this Article is committed.

Article 20. Violations against regulations on credit information security and retention

A fine ranging from VND 20.000.000 to VND 40.000.000 shall be imposed for committing one of the following violations:

1. Failing to comply with regulations on or procedures for information confidentiality and information technology security when providing credit information services;
2. Failing to retain credit information on borrowers for at least 05 years from the date on which the provider of credit information services receives such information;
3. Failing to carry out annual review and assessment of the conformity and compliance of internal rules with law regulations.

Article 21. Violations against regulations on use of credit information products/services and sharing/provision of credit information

1. A fine ranging from VND 10.000.000 to VND 20.000.000 shall be imposed for committing one of the following violations:

- a) providing or duplicating credit information products and providing them for a third party inconsistently with law;
- b) failing to provide users with warnings about principles and scope of using credit information products.

2. A fine ranging from VND 20.000.000 to VND 40.000.000 shall be imposed for committing one of the following violations:

- a) modifying/changing credit information products and providing them for a third party inconsistently with law;
- b) providing or sharing credit information or providing credit information products without the borrower's written consent or inconsistently with law regulations;
- c) obstructing the lawful use of credit information;
- d) failing to openly post the prices of credit information products as prescribed by law.

3. Additional penalties:

The provision of credit information services shall be suspended for 01 – 03 months if the violation prescribed in Clause 2 of this Article is committed.

4. Remedial measures:

Enforced transfer of benefits illegally obtained from the administrative violation prescribed in Point a Clause 1 or Clause 2 of this Article to state budget.

Article 22. Violations against regulations on correction of false credit information on borrowers

A fine ranging from VND 10.000.000 to VND 15.000.000 shall be imposed for committing one of the following violations:

1. Failing to give written response to a request for correction of false information or failing to notify information correction results as prescribed by law;
2. Failing to make correction or cooperate in correcting false information on borrowers as prescribed by law.

Section 7. VIOLATIONS AGAINST REGULATIONS ON FOREIGN EXCHANGE OPERATIONS AND GOLD TRADING

Article 23. Violations against regulations on foreign exchange operations

1. A warning shall be issued for committing one of the following violations:

- a) selling and buying foreign currency between individuals if the value of foreign currency sold or bought is less than USD 1.000 (or equivalent value in another foreign currency);
- b) selling or buying foreign currency at unlicensed currency exchange entities if the value of foreign currency sold or bought is less than USD 1.000 (or equivalent value in another foreign currency);
- c) failing to comply with law regulations when making payment for goods or services in foreign currency with total payment of less than USD 1.000 (or equivalent value in another foreign currency).

2. A fine ranging from VND 10.000.000 to VND 20.000.000 shall be imposed for committing one of the following violations:

- a) selling and buying foreign currency between individuals if the value of foreign currency sold or bought is from USD 1.000 to under USD 10.000 (or equivalent value in another foreign currency); selling and buying foreign currency between individuals if the value of foreign currency sold or bought is less than USD 1.000 (or equivalent value in another foreign currency) in case of any repeat or serial violation;
- b) selling and buying foreign currency at an unlicensed currency exchange entity if the value of foreign currency sold or bought is from USD 1.000 to under USD 10.000 (or equivalent value in another foreign currency); selling and buying foreign currency at an unlicensed currency exchange entity if the value of foreign currency sold or bought is less than USD 1.000 (or equivalent value in another foreign currency) in case of any repeat or serial violation;
- c) failing to comply with law regulations when making payment for goods or services in foreign currency with total payment of less than USD 1.000 (or equivalent value in another foreign currency) in case of any repeat or serial violation; failing to comply with law regulations when

making payment for goods or services in foreign currency with total payment of from USD 1.000 to under USD 10.000 (or equivalent value in another foreign currency).

3. A fine ranging from VND 20.000.000 to VND 30.000.000 shall be imposed for committing one of the following violations:

- a) failing to post buying/selling rates at transaction offices as prescribed by law;
- b) posting buying/selling rates in an unclear manner which causes misleading to customers;
- c) failing to openly post or publish the exchange rate between VND or foreign currency and token used in prize-winning electronic games for foreigners or casino business; posting or publishing the exchange rate between token and VND or foreign currency used in prize-winning electronic games for foreigners or casino business against law regulations;
- d) failing to comply with law regulations on registration and notification of the relevant provincial branch of SBV in case of changes relating to a currency exchange agent;
- dd) failing to comply with law regulations on notification and application for SBV's approval for modification or termination of contract for provision of foreign currency receipt and payment services;
- e) failing to comply with law regulations on application for SBV's approval for modification of the license for foreign currency receipt and payment and other foreign currency transactions in case of change of the name of the provider of prize-winning electronic games for foreigners, or the casino enterprise, or the entity opening an offshore foreign-currency account;
- g) failing to comply with law regulations on administrative procedures for pre-investment transfer of foreign currency abroad; registration or registration of changes in foreign loans or international bond issues; registration or registration of changes in offshore loans and collection of guaranteed debts for non-residents; registration or registration of changes in foreign exchange transactions in respect of outward investment; registration of program for issuance of bonus shares abroad; registration of proprietary trading limit; registration of temporary proprietary trading limit; registration of trust limit; registration of temporary trust limit and other administrative procedures for other funding transactions; administrative procedures for other cases of outward portfolio investment;
- h) selling and buying foreign currency between individuals if the value of foreign currency sold or bought is from USD 10.000 to under USD 100.000 (or equivalent value in another foreign currency);
- i) selling or buying foreign currency at an unlicensed currency exchange entity if the value of foreign currency sold or bought is from USD 10.000 to under USD 100.000 (or equivalent value in another foreign currency);

k) failing to comply with law regulations when making payment for goods or services in foreign currency with total payment of from USD 10.000 to under USD 100.000 (or equivalent value in another foreign currency);

l) failing to comply with buying/selling rates announced by SBV, except for the cases prescribed in Point dd and Point m Clause 4 of this Article; collecting foreign currency transaction fees against law regulations.

4. A fine ranging from VND 30.000.000 to VND 50.000.000 shall be imposed for committing one of the following violations:

a) entering into a currency exchange agent contract with an ineligible entity; failing to provide instructions for or inspect the currency exchange agent as prescribed by law;

b) failing to fulfill responsibilities of a currency exchange agent as prescribed by law; concurrently acting as a currency exchange agent for two or more credit institutions;

c) making payment for negotiable instruments in foreign currency against regulations on foreign exchange operations in Article 9 of the Law on negotiable instruments and relevant laws;

d) failing to comply with law regulations on opening, closing and use of accounts in Vietnam for conducting one of the following operations: Foreign investments in Vietnam; Vietnam's outward investments; foreign borrowing and foreign debt repayment; offshore lending and recovery of offshore debts, overseas issuance of securities by institutional residents; issuance of securities in Vietnam by institutional non-residents and other funding transactions;

dd) making the actual buying, selling or exchange rate exceed the prescribed exchange rate margin by means of setting exchange rates, commissions or brokerage fees in cash or in kinds and other promotions for buying/selling foreign currency in any forms;

e) concurrently acting as a foreign currency paying agent for two or more business entities inconsistently with law regulations;

g) carrying out fund withdrawal or repayment of foreign debts; carrying out reimbursement or recovery of offshore loans; recovering guaranteed debts for non-residents; carrying out transfer of funds serving foreign investments in Vietnam or Vietnam's outward investments against law regulations;

h) transferring or carrying foreign currency or VND abroad or into Vietnam against law regulations, except for administrative violations in customs sector;

i) authorizing or re-authorizing a business entity or credit institution to act as a foreign currency paying agent against law regulations;

k) failing to comply with law regulations on opening, closing and use of foreign currency accounts dedicated to foreign currency receipt and payment services;

l) failing to fulfill the responsibility of the credit institution or the business entity acting as a foreign currency paying agent, or the business entity directly receiving and making payments in foreign currency, to make updates to accounting records and archive documents in accordance with law regulations;

m) failing to comply with law regulations on service charges or exchange rates applied when providing foreign currency receipt and payment services;

n) carrying out transaction, quotation or determination of contract prices, or posting or publishing prices of goods, services or land use rights, or performing other similar acts (including converting or adjusting prices of goods or services or contract prices) in foreign currency inconsistently with law regulations;

o) failing to comply with the License for an individual currency exchange counter.

5. A fine ranging from VND 80.000.000 to VND 100.000.000 shall be imposed for committing one of the following violations:

a) opening, closing or using an offshore foreign-currency account against law regulations;

b) providing payment or money transfer transactions relating to foreign loans, offshore loans, offshore debt recovery, recovery of guaranteed debts for non-residents, foreign investments in Vietnam, Vietnam's outward investments and other funding transactions against law regulations;

c) failing to comply with law regulations on exchange of tokens by providers of prize-winning electronic games for foreigners or casino enterprises;

d) failing to comply with law regulations on opening, closing and using of foreign currency accounts dedicated to prize-winning electronic games for foreigners and casino business;

dd) failing to transfer the foreign currency amounts exceeding the prescribed limit of foreign currency cash on hand into the foreign currency account opened at a licensed bank in case the revenue in foreign currency cash earned from the provision of prize-winning electronic games for foreigners or casino business exceeds the limit of foreign currency cash on hand prescribed by law;

e) selling and buying foreign currency between individuals if the value of foreign currency sold or bought is equal to or greater than USD 100.000 (or equivalent value in another foreign currency);

g) selling or buying foreign currency at an unlicensed currency exchange entity if the value of foreign currency sold or bought is equal to or greater than USD 100.000 (or equivalent value in another foreign currency);

h) failing to comply with law regulations when making payment for goods or services in foreign currency with total payment of USD 100.000 or greater (or equivalent value in another foreign currency).

6. A fine ranging from VND 100.000.000 to VND 150.000.000 shall be imposed for committing one of the following violations:

a) extending credit or making domestic debt repayments in foreign currency against law regulations, except for the cases prescribed in Article 14 hereof;

b) failing to sell earned foreign currency to credit institutions as prescribed by law, except for the case prescribed in Point b Clause 5 of this Article.

7. A fine ranging from VND 150.000.000 to VND 200.000.000 shall be imposed for committing one of the following violations:

a) failing to comply with law regulations on foreign borrowing and foreign debt repayment; offshore lending and offshore debt recovery; recovery of guaranteed debts for non-residents and other funding transactions, except for the cases prescribed in Point g Clause 3, Points d, g Clause 4 and Point b Clause 5 of this Article;

b) failing to comply with SBV's regulations when carrying out foreign currency transactions between credit institutions, or between credit institutions and their customers, except for the case prescribed in Point a Clause 8 of this Article;

c) failing to maintain foreign currency positions as prescribed by law.

8. A fine ranging from VND 200.000.000 to VND 250.000.000 shall be imposed for committing one of the following violations:

a) trading or providing foreign exchange or foreign currency derivatives against law regulations;

b) exporting or importing foreign currency or VND cash against law regulations;

c) carrying out foreign exchange operations without a license granted by a competent authority, or with an expired or revoked license, or against the license, except for the cases prescribed in Points d, o Clause 4, Points a, d Clause 5 of this Article.

9. Additional penalties:

a) Foreign currency or VND cash shall be confiscated if any of the violations prescribed in Clause 2, Points h, i, k Clause 3, Point h Clause 4, Points e, g, h Clause 5, Point b Clause 6 of this Article is committed;

b) The certificate of currency exchange agent shall be suspended for 01 - 03 months if the violation prescribed in Point b Clause 4 of this Article is committed;

c) The license for foreign currency receipt and payment and other foreign currency transactions relating to the provision of prize-winning electronic games for foreigners or casino business shall be suspended for 03 – 06 months if the violation prescribed in Point d or Point dd Clause 4 of this Article is committed (failure to apply for modification of the license);

d) The license for an individual currency exchange agent shall be suspended for 01 - 06 months if the violation prescribed in Point o Clause 4 of this Article is committed;

dd) Foreign exchange operations of the credit institution or FBB that commits the violation prescribed in Point c Clause 8 of this Article shall be suspended for 03 – 06 months.

10. Remedial measures:

Proposed revocation of certificate of currency exchange agent, license to open and use an offshore foreign-currency account, or license for individual currency exchange counter if the violation prescribed in Point b Clause 4 or Point a Clause 5 of this Article is repeated.

Article 24. Violations against regulations on gold trading

1. A warning shall be issued for committing one of the following violations:

a) trading gold bullion with a credit institution or enterprise that does not hold a valid license for gold bullion trading;

b) using gold as a method of payment.

2. A fine ranging from VND 10.000.000 to VND 20.000.000 shall be imposed for committing one of the following violations:

a) trading gold bullion with a credit institution or enterprise that does not hold a valid license for gold bullion trading in case of repeated or serial violation;

b) using gold as a method of payment in case of repeated or serial violation.

3. A fine ranging from VND 30.000.000 to VND 50.000.000 shall be imposed for committing one of the following violations:

a) failing to post gold bullion buying and selling prices at transaction offices as prescribed by law;

b) failing to fulfill responsibility of the credit institution or enterprise engaging in gold bullion trading in case of changes to its branches or business locations as prescribed by law.

4. A fine ranging from VND 80.000.000 to VND 100.000.000 shall be imposed for committing one of the following violations:

a) trading in gold bullion against law regulations, except for the case prescribed in Point a Clause 8 of this Article;

b) carrying gold when exiting or entering Vietnam against law regulations, except for administrative violations in customs sector.

5. A fine ranging from VND 140.000.000 to VND 180.000.000 shall be imposed for committing one of the following violations:

a) trading gold bullion through authorized agents;

b) failing to comply with law regulations on gold positions;

c) importing or exporting gold jewelry or goldsmiths' wares; gold materials in the form of powder, solution, solder or salt, and semi-finished gold jewelry products which are different from registered business lines as prescribed by law.

6. A fine ranging from VND 200.000.000 to VND 250.000.000 shall be imposed for using imported gold materials against the license to import gold materials for production of gold jewelry and goldsmiths' wares.

7. A fine ranging from VND 250.000.000 to VND 300.000.000 shall be imposed for producing gold bullion against law regulations.

8. A fine ranging from VND 300.000.000 to VND 400.000.000 shall be imposed for committing one of the following violations:

a) trading gold bullion without obtaining a license for gold bullion trading as prescribed;

b) importing or exporting gold materials without obtaining a license from a competent authority as prescribed by law;

c) carrying out other gold trading transactions without obtaining license from a competent authority as prescribed by law.

9. Additional penalties:

a) Gold shall be confiscated if the violation prescribed in Point a or c Clause 8 of this Article is committed;

b) The license for gold bullion trading shall be suspended for 06 - 09 months if the violation prescribed in Point a Clause 5 of this Article is committed.

10. Remedial measures:

Proposed revocation of the license for gold bullion trading if the violation prescribed in Point a Clause 5 of this Article is repeated.

Section 8. VIOLATIONS AGAINST REGULATIONS ON PAYMENT, CASH AND TREASURY MANAGEMENT

Article 25. Violations against regulations on interbank payment

1. A fine ranging from VND 10.000.000 to VND 20.000.000 shall be imposed for committing one of the following violations:

- a) failing to comply with regulations on organization of clearing houses, clearing payments, and interbank payments;
- b) failing to return false payment documents within the business day, except for force majeure events;
- c) transferring money to beneficiaries' accounts after prescribed time-limits;
- d) failing to provide deposit-related documents within the prescribed time limit.

2. A fine ranging from VND 20.000.000 to VND 40.000.000 shall be imposed for committing one of the following violations:

- a) failing to immediately return the Credit order when it is legally rejected; rejecting a Debit order with lawful authorization;
- b) assigning an unauthorized person to create and send transaction orders through a clearing house or interbank payment system.

3. A fine ranging from VND 100.000.000 to VND 150.000.000 shall be imposed for committing one of the following violations:

- a) obstructing the operation of a clearing house or interbank payment system;
- b) intentionally or accidentally revealing any confidential information relating to the interbank payment system.

Article 26. Violations against regulations on payments

1. A fine ranging from VND 3.000.000 to VND 5.000.000 shall be imposed for making erasures or alterations on payment instruments or payment documents against law regulations, if not liable to criminal prosecution.

2. A fine ranging from VND 5.000.000 to VND 10.000.000 shall be imposed for committing one of the following violations:

a) receiving and processing customers' requests for information check or complaints against law regulations;

b) failing to provide authentic and accurate information while using payment services.

3. A fine ranging from VND 10.000.000 to VND 15.000.000 shall be imposed for committing one of the following violations:

a) failing to comply with law regulations on time limits for making payments or money remittance, except for payments made between credit institutions and SBV;

b) committing any violations against regulations on announcement or posting of schedules of payment service charges and card service charges.

4. A fine ranging from VND 20.000.000 to VND 30.000.000 shall be imposed for committing one of the following violations:

a) failing to provide authentic and accurate information while rendering payment services;

b) signing payment orders ultra vires or using electronic signatures of others;

c) opening, using or granting authorization to use checking accounts against law regulations while using payment services.

5. A fine ranging from VND 40.000.000 to VND 50.000.000 shall be imposed for committing one of the following violations:

a) lending from 01 to under 10 checking accounts with or without charges;

b) forging documents when providing or using payment services, if not liable to criminal prosecution.

6. A fine ranging from VND 50.000.000 to VND 100.000.000 shall be imposed for committing one of the following violations:

a) opening checking accounts for customers or allowing them to use checking accounts against law regulations while providing payment services;

b) lending 10 checking accounts or more with or without charges;

c) forging payment instruments or keeping, transferring or using forged payment instruments, if not liable to criminal prosecution;

d) issuing, providing or using illegal payment instruments, if not liable to criminal prosecution.

7. A fine ranging from VND 100.000.000 to VND 150.000.000 shall be imposed for committing one of the following violations:

- a) infiltrating or attempting to infiltrate or steal data, destroying or making illegal changes to software programs or database used in payment system; taking advantage of computer network errors for profiteering purposes, if not liable to criminal prosecution;
- b) opening or maintaining anonymous or impersonation checking accounts;
- c) using checking accounts for conducting fraudulent transactions.

8. A fine ranging from VND 150.000.000 to VND 200.000.000 shall be imposed for committing any violations against regulations on cash payment.

9. Additional penalties:

The exhibits and instrumentalities used for committing the administrative violation prescribed in Clause 1, or Point b Clause 5 or Point c or d Clause 6 of this Article shall be confiscated.

10. Remedial measures:

- a) Enforced transfer of benefits illegally obtained from any of the administrative violations prescribed in Clauses 1, 4, 5, 6, 7 and 8 of this Article to state budget;
- b) Prohibition of expansion of operating scope, scale and regions until remedial measures against the violation have been successfully implemented if any of the violations prescribed in Points a, c, d Clause 6 and Clause 8 of this Article is committed.

Article 27. Violations against regulations on intermediary payment services

1. A fine ranging from VND 5.000.000 to VND 10.000.000 shall be imposed for committing one of the following violations:

- a) failing to provide authentic and accurate information while using or providing intermediary payment services;
- b) receiving and processing customers' requests for information check or complaints against law regulations;
- c) committing violations against regulations on tools serving SBV's oversight of e-wallet services.

2. A fine ranging from VND 15.000.000 to VND 20.000.000 shall be imposed for committing one of the following violations:

- a) committing violations against regulations on payment guarantee accounts;

- b) extending credits to e-wallet users, adding interests to an e-wallet balance or performing any acts to increase the balance on an e-wallet compared to the amount of money deposited to e-wallet by the customer;
- c) committing any violations against regulations on deposit or withdrawal of money into or from e-wallet accounts;
- d) failing to request customers to open checking accounts at banks before using e-wallet services.

3. A fine ranging from VND 20.000.000 to VND 30.000.000 shall be imposed for committing one of the following violations:

- a) providing or revealing information on customers kept at intermediary payment service providers against law regulations;
- b) leasing, lending or borrowing from 01 to under 10 e-wallets or buying/selling information relating to 01 to under 10 e-wallets.

4. A fine ranging from VND 40.000.000 to VND 50.000.000 shall be imposed for committing one of the following violations:

- a) forging or falsifying documentary evidences of eligibility enclosed with the application for license to provide intermediary payment services, if not liable to criminal prosecution;
- b) forging, erasing or altering contents of the license to provide intermediary payment services, if not liable to criminal prosecution; transferring, lending or leasing the license to provide intermediary payment services; entrusting or authorizing other entities to provided licensed intermediary payment services;
- c) carrying out operations against the license to provide intermediary payment services;
- d) leasing, lending or borrowing 10 e-wallets or more, or buying/selling information relating to 10 e-wallets or more;
- dd) forging documents when providing intermediary payment services, if not liable to criminal prosecution.

5. A fine ranging from VND 150.000.000 to VND 250.000.000 shall be imposed for providing intermediary payment services without the license.

6. Additional penalties:

The exhibits and instrumentalities for committing the violation prescribed in Point b or Point dd Clause 4 of this Article shall be confiscated.

7. Remedial measures:

- a) Enforced transfer of benefits illegally obtained from any of the administrative violations prescribed in Clause 2, Point b Clause 3, Clause 4, and Clause 5 of this Article to state budget;
- b) Proposed revocation of the license if the violation prescribed in Point a, b or c Clause 4 of this Article is committed.

Article 28. Violations against regulations on bank card operations

1. A warning shall be issued for committing one of the following violations:

- a) failing to carry out inspection and maintenance of automated teller machines (ATMs);
- b) failing to update the installation, relocation, retiming and shutdown of ATMs on the ATM management system and official website of the payment service provider.

2. A fine ranging from VND 10.000.000 to VND 15.000.000 shall be imposed for committing one of the following violations:

- a) failing to give notification of the installation, relocation, retiming and shutdown of ATMs as prescribed by law;
- b) failing to ensure the availability of ATM system as prescribed by law;
- c) failing to maintain 24/7 operation of customer service department;
- d) failing to monitor cash funds in ATMs or failing to ensure that ATMs will hold enough cash to serve customers' cash withdrawals as prescribed; failing to comply with regulations on the cash limit per withdrawal at ATMs;
- dd) failing to meet technical requirements regarding ATMs' software and connection lines as prescribed by law.

3. A fine ranging from VND 15.000.000 to VND 20.000.000 shall be imposed for failing to meet requirements on ATMs' transaction logs as prescribed by law.

4. A fine ranging from VND 20.000.000 to VND 30.000.000 shall be imposed for failing to adopt measures for ensuring safe operation and confidentiality of ATMs.

5. A fine ranging from VND 30.000.000 to VND 50.000.000 shall be imposed for committing one of the following violations:

- a) committing violations against regulations on currency of payment with cards;
- b) collecting card surcharges or practicing price discrimination against payments for goods/services with cards;

c) leasing, lending, buying or selling cards or card information or opening cards on behalf of other persons (except anonymous prepaid cards) if the violation involves from 01 to under 10 cards;

d) stealing or colluding with others to steal card information if the violation involves from 01 to under 10 cards.

6. A fine ranging from VND 50.000.000 to VND 100.000.000 shall be imposed for committing one of the following violations:

a) leasing, lending, buying or selling cards or card information or opening cards on behalf of other persons (except anonymous prepaid cards) if the violation involves 10 cards or more but is not serious to cause the violating entity face criminal prosecution;

b) stealing or colluding with others to steal information on 10 cards or more if not liable to criminal prosecution;

c) issuing cards or processing card payment against law regulations;

d) failing to reject card payment in case the card is used for conducting card transactions prohibited by law, or the card is lost as informed by the cardholder, or an expired or locked card is used.

7. A fine ranging from VND 100.000.000 to VND 150.000.000 shall be imposed for committing one of the following violations:

a) using bank cards for conducting fraudulent transactions;

b) carrying out clearing for card transactions against law regulations;

c) transferring point-of-sale terminals or QR Codes to other users; accepting card payment without entering into a merchant service agreement; illegally using point-of-sale terminals or QR Codes;

d) **Directly conducting, organizing or facilitating the conduct of forged or fraudulent card transactions or fictitious transactions at merchants (no occurrence of any sale of goods and provision of services).**

8. Additional penalties:

The exhibits and instrumentalities used for committing any of the administrative violations prescribed in Point c Clause 5, Point a Clause 6, Points a, c and d Clause 7 of this Article shall be confiscated.

9. Remedial measures:

a) Enforced transfer of benefits illegally obtained from any of the administrative violations prescribed in Points c, dd Clause 5, Points a, b Clause 6 and Clause 7 of this Article to state budget;

b) Prohibition of conclusion of merchant service agreements with other acquirers until remedial measures against violation have been successfully implemented if the violation prescribed in Point b Clause 5 of this Article is committed.

Article 29. Violations against regulations on negotiable instruments

1. A fine ranging from VND 15.000.000 to VND 20.000.000 shall be imposed for signing any negotiable instruments ultra vires.

2. A fine ranging from VND 20.000.000 to VND 30.000.000 shall be imposed for committing one of the following violations:

a) failing to fulfill acceptor's duties as defined in Article 22 of the Law on negotiable instruments;

b) sending collection orders to collectors against regulations in Clauses 1, 2 and 3 Article 39 of the Law on negotiable instruments.

3. A fine ranging from VND 30.000.000 to VND 50.000.000 shall be imposed for committing one of the following violations:

a) transferring a negotiable instrument whose prescribed time limit for presentment has expired, which has been not accepted or rejected for payment or lost as informed by holder as prescribed in Clause 4 Article 15 of the Law on negotiable instruments;

b) drawing a cheque in case of insolvency.

4. A fine ranging from VND 60.000.000 to VND 120.000.000 shall be imposed for committing one of the following violations:

a) forging signatures affixed to negotiable instruments;

b) failing to comply with regulations on printing, delivery and management of blank cheques in Clause 2, 3 Article 64 of the Law on negotiable instruments.

5. Additional penalties:

The exhibits and instrumentalities used for committing any of the administrative violations prescribed in Clause 4 of this Article shall be confiscated.

6. Remedial measures:

Enforced transfer of benefits illegally obtained from any of the administrative violations prescribed in Point b Clause 3 and Clause 4 of this Article to state budget.

Article 30. Violations against regulations on cash and vault management

1. A warning shall be issued for committing one of the following violations:

- a) failing to publicly post the SBV's regulations on receipt and exchange of cash unfit for circulation at transaction locations;
- b) making loss of provided specimen cash; failing to provide specimen cash to eligible entities; failing to collect specimen cash upon notification of suspension of circulation thereof or at the request of a competent authority;
- c) failing to open or failing to sufficiently keep records of vault safety-related activities in accordance with law regulations.

2. A fine ranging from VND 5.000.000 to VND 10.000.000 shall be imposed for committing one of the following violations:

- a) refusing to exchange cash unfit for circulation for customers;
- b) failing to comply with regulations on classification, packing and delivery of precious metals and precious stones; packing, sealing, delivery, preservation, transport and inventory of cash, precious property and financial instruments, except the cases prescribed in Point a Clause 3 and Points b, c, d and dd Clause 5 of this Article.

3. A fine ranging from VND 10.000.000 to VND 15.000.000 shall be imposed for committing one of the following violations:

- a) failing to promulgate or post internal rules for accessing the vault and cash transaction counter; failing to promulgate procedures for internal cash transactions and cash transactions made with customers;
- b) failing to develop vault protection and security plans;
- c) failing to promulgate internal rules or plans for fire safety for the vault;
- d) failing to classify cash unfit for circulation.

4. A fine ranging from VND 15.000.000 to VND 20.000.000 shall be imposed for failing to install security equipment or fire protection equipment for the vault as prescribed by law.

5. A fine ranging from VND 20.000.000 to VND 40.000.000 shall be imposed for committing one of the following violations:

- a) performing cash exchange transactions against law;
- b) failing to manage cash, precious assets and financial instruments during lunch break as prescribed by law;
- c) using and managing keys of the vault lock, its inner compartments, safe or cash boxes used in specialized vehicles against law regulations;
- d) failing to adopt written procedures for transport and protection of assets as well as safety measures of competent authorities when transporting cash, precious assets and financial instruments without using specialized vehicles;
- dd) failing to document conditions and procedures for receipt and return of assets to customers, responsibility of relevant departments to ensure asset safety while rendering asset custody services, leasing safe deposit boxes and other cash-related services.

6. A fine ranging from VND 40.000.000 to VND 50.000.000 shall be imposed for committing one of the following violations:

- a) using a vault that does not meet design requirements and technical standards regulated by law;
- b) using a vault with its door failing to meet technical standards regulated by law.

Article 31. Violations against regulations on protection of Vietnam's cash

1. A warning shall be issued for committing one of the following violations:

- a) failing to promptly report a competent authority when detecting counterfeit money of a new type;
- a) failing to promptly report a competent authority when detecting signs of storing, using and/or transporting counterfeit money;
- c) arranging or appointing persons who are not yet trained in skills of distinguishing between the real and counterfeit money to perform tasks of a treasury officer or cashier;
- d) failing to turn over counterfeit money to competent authorities as prescribed by law.

2. A fine ranging from VND 5.000.000 to VND 10.000.000 shall be imposed for committing one of the following violations:

- a) failing to confiscate detected counterfeit money;
- b) failing to impound money which is suspected of being counterfeit money;

c) failing to make records or failing to seal and punch counterfeit money according to SBV's regulations on handling of counterfeit money and suspected counterfeit money when confiscate counterfeit money or impound suspected counterfeit money.

3. A fine ranging from VND 10.000.000 to VND 15.000.000 shall be imposed for sabotaging or destroying Vietnam's cash against law regulations.

4. A fine ranging from VND 40.000.000 to VND 50.000.000 shall be imposed for photocopying, printing or using design, a part of or all images, elements or patterns on Vietnam's cash against law regulations.

5. Additional penalties:

All exhibits and instrumentalities used for committing any of the administrative violations prescribed in Clauses 2, 3 and 4 of this Article shall be confiscated and turned over to competent authorities.

6. Remedial measures:

a) Enforced sealing and punching of counterfeit money according to SBV's regulations on handling of counterfeit money and suspected counterfeit money if the violation prescribed in Point c Clause 2 of this Article is committed

b) Enforced destruction of all exhibits and instrumentalities used for committing any of the violations prescribed in Clause 4 of this Article;

c) Enforced transfer of benefits illegally obtained from any of the violations prescribed in Clause 4 of this Article to state budget.

Section 9. VIOLATIONS AGAINST REGULATIONS ON PURCHASE OF AND INVESTMENT IN FIXED ASSETS AND TRADING IN REAL ESTATE BY CREDIT INSTITUTIONS AND FBBS

Article 32. Violations against regulations on purchase of and investment in fixed assets

1. A fine ranging from VND 100.000.000 to VND 150.000.000 shall be imposed for the purchase of or investment in fixed assets directly used to serve operations resulting in the value of such assets exceeding 50% of the charter capital and fund for charter capital increase of a credit institution or 50% of the assigned capital and fund for assigned capital increase of a FBB.

2. Remedial measures:

a) Enforced maintenance of the ratio of the value of fixed assets directly used to serve operations to sum of the charter capital or assigned capital and fund for charter capital increase or the fund for assigned capital increase as prescribed in Article 140 of the Law on credit institutions for a

maximum period of 06 months from the effective date of the decision on administrative penalty imposition if the violation prescribed in Clause 1 of this Article is committed;

b) Enforced transfer of benefits illegally obtained from the violation prescribed in Clause 1 of this Article to state budget.

Article 33. Violations against regulations on real estate trading

1. A fine ranging from VND 200.000.000 to VND 250.000.000 shall be imposed for trading in real estate, except the cases prescribed in Clauses 1, 2 and 3 Article 132 of the Law on credit institutions.

2. Remedial measures:

Enforced transfer of benefits illegally obtained from the violation prescribed in Clause 1 of this Article to state budget.

Section 10. VIOLATIONS AGAINST REGULATIONS ON GUARANTEE OF SAFE OPERATION OF CREDIT INSTITUTIONS AND FBBS

Article 34. Violations against regulations on reserve requirements and compulsory purchase of SBV bills

1. A warning shall be issued for committing one of the following violations:

a) failing to maintain the reserve requirements as prescribed by law;

b) failing to comply with regulations on compulsory purchase of SBV bills.

2. A fine ranging from VND 10.000.000 to VND 20.000.000 shall be imposed for failing to maintain reserve requirements as prescribed by law in case of repeat or serial violation.

3. Remedial measures:

Proposed suspension of violating entities and/or persons responsible for the violation from holding the management or supervision position for 01 – 03 months, proposed dismissal or prohibition from holding the management or supervision position at a credit institution or FBB if the violation prescribed in Clause 2 of this Article is committed.

Proposed dismissal and implementation of other appropriate measures against violating entities within the competence of a credit institution or FBB.

Article 35. Violations against regulations on prudential ratios

1. A fine ranging from VND 200.000.000 to VND 220.000.000 shall be imposed for committing violations against law regulations on one of the following prudential ratios:

a) Maximum ratio of short-term capital for provision of medium-term and long-term loans;

b) Loan-to-deposit ratio;

c) Ratio of investment in Government bonds and government-guaranteed bonds.

2. A fine ranging from VND 250.000.000 to VND 300.000.000 shall be imposed for committing violations against law regulations on solvency ratio.

3. A fine ranging from VND 300.000.000 to VND 350.000.000 shall be imposed for committing violations against law regulations on capital adequacy ratio.

4. Remedial measures:

a) Enforced maintenance of prudential ratios as prescribed within a maximum period of 06 months from the effective date of the decision on administrative penalty imposition if any of the violations prescribed in Clauses 1, 2 and 3 of this Article is committed;

b) Prohibition of expansion of operating scope, scale and regions or addition of business lines until remedial measures against the violation have been successfully implemented if any of the violations prescribed in Point d Clauses 1, 2 and 3 of this Article is committed;

c) Proposed suspension of violating entities and/or persons responsible for the violation from holding the management or supervision position for 01 – 03 months, proposed dismissal or prohibition from holding the management or supervision position at a credit institution or FBB if the violation prescribed in Clause 2 or Clause 3 of this Article is committed.

Proposed dismissal and implementation of other appropriate measures against violating entities within the competence of a credit institution or FBB.

Article 36. Violations against regulations on classification of assets, off-balance-sheet (OBS) items, creation and use of provisions for losses

1. A fine ranging from VND 150.000.000 to VND 200.000.000 shall be imposed for committing one of the following violations:

a) classifying assets and OBS items against law regulations;

b) setting aside provisions for losses against law regulations, unless the creation of provisions for losses against law regulations is the consequence of the violation prescribed in Point a Clause 1 of this Article;

c) using provisions for handling losses against law regulations;

d) failing to have measures for recovering debts which have been settled by using provisions.

2. Remedial measures:

- a) Enforced classification of assets and creation of provisions for losses; enforced reversal of improperly used provisions for losses, and recording of debts settled by using provisions for losses on the balance sheet as prescribed within a maximum duration of 01 month from the effective date of the decision on administrative penalty imposition if any of the violations prescribed in Clause 1 of this Article is committed;
- b) Proposed suspension of violating entities and/or persons responsible for the violation from holding the management or supervision position for 01 – 03 months, proposed dismissal or prohibition from holding the management or supervision position at a credit institution or FBB if any of the violations prescribed in Clause 1 of this Article is committed.

Proposed dismissal and implementation of other appropriate measures against violating entities within the competence of a credit institution or FBB.

Article 37. Violations against regulations on setting aside and use of funds

1. A fine ranging from VND 20.000.000 to VND 40.000.000 shall be imposed for setting aside or using funds against law regulations.

2. Remedial measures:

Enforced setting aside of funds as prescribed by law within 15 days from the effective date of the decision on administrative penalty imposition if the violation prescribed in Clause 1 of this Article is committed.

Section 11. VIOLATIONS AGAINST REGULATIONS ON DEPOSIT INSURANCE

Article 38. Violations against regulations on deposit insurance

1. A warning shall be issued for committing one of the following violations:

- a) failing to publicly post the copy of the certificate of deposit insurance at all transaction locations that take deposits;
- b) making insufficient or late payment of deposit insurance premiums;
- c) failing to comply with the time limit for application for certificate of deposit insurance as prescribed in Clause 1 Article 14 of the Law on deposit insurance.

2. A fine ranging from VND 30.000.000 to VND 40.000.000 shall be imposed for failing to pay deposit insurance premiums as prescribed by law.

3. A fine ranging from VND 40.000.000 to VND 60.000.000 shall be imposed for failing to make deposit insurance payout to insured depositors within the time limit prescribed in Article 23 of the Law on deposit insurance.

4. A fine ranging from VND 60.000.000 to VND 80.000.000 shall be imposed for committing one of the following violations:

a) offering insurance for uninsured deposits prescribed in Article 19 of the Law on deposit insurance;

b) forging documents concerning deposit insurance if not liable to criminal prosecution.

5. A fine ranging from VND 100.000.000 to VND 150.000.000 shall be imposed for committing one of the following violations:

a) failing to make or making insufficient insurance payouts;

b) obstructing, hinder or damaging legitimate rights and benefits of deposit insurers, deposit insurance policyholders, insured depositors and other authorities and organizations involved in the deposit insurance;

c) abusing positions and powers to act against regulations of the Law on deposit insurance.

6. Remedial measures:

a) Enforced posting of the copy of certificate of deposit insurance if the violation prescribed in Point a Clause 1 of this Article is committed;

b) Enforced payment of insurance premiums in full if the violation prescribed in Point b Clause 1 of this Article is committed and payment of late payment interest that is equal to 0.05% of the unpaid premiums for each day of late payment as prescribed in Clause 1 Article 21 of the Law on deposit insurance;

c) Enforced reimbursement of collected insurance premiums or recovery of delivered insurance payouts if any of the violations prescribed in Clause 4 of this Article is committed;

d) Proposed suspension of violating entities and/or persons responsible for the violation from holding the management or supervision position for 01 – 03 months, proposed dismissal or prohibition from holding the management or supervision position at a credit institution or FBB if any of the violations prescribed in Point b Clause 4 and Points a, c Clause 5 of this Article is committed.

Proposed dismissal and implementation of other appropriate measures against violating entities within the competence of a credit institution or FBB.

Section 12. VIOLATIONS AGAINST REGULATIONS ON ANTI-MONEY LAUNDERING AND COMBATING THE FINANCING OF TERRORISM

Article 39. Violations against regulations on customer identification and customer information update

1. A fine ranging from VND 20.000.000 to VND 30.000.000 shall be imposed for failing to update customer information as prescribed in Article 8, Article 10 of the Law on anti-money laundering and the Law on combating the financing of terrorism.
2. A fine ranging from VND 30.000.000 to VND 40.000.000 shall be imposed for failing to ensure the confidentiality of information and reports as prescribed in Article 29 of the Law on anti-money laundering and the Law on combating the financing of terrorism.

Article 40. Violations against internal regulations on anti-money laundering

A fine ranging from VND 60.000.000 to VND 100.000.000 shall be imposed for committing one of the following violations:

1. failing to promulgate procedures for managing risks of transactions relating to new technologies as prescribed in Article 15 of the Law on anti-money laundering;
2. failing to formulate regulations on classification of customers by adopting risk-based approach as prescribed in Clause 1 Article 12 of the Law on anti-money laundering;
3. failing to promulgate internal regulations or applying internal regulations that lack one or some compulsory contents prescribed in Article 20 of the Law on anti-money laundering.

Article 41. Violations against regulations on customer identification and risk-based customer classification

1. A fine ranging from VND 30.000.000 to VND 50.000.000 shall be imposed for failing to adopt customer identification methods or enhanced due diligence approach prescribed in Clauses 2, 3 and 4 Article 12 of the Law on anti-money laundering and Article 34 of the Law on combating the financing of terrorism.
2. A fine ranging from VND 50.000.000 to VND 100.000.000 shall be imposed for failing to classify customers under categories of money laundering and terrorist financing risk as prescribed by law.

Article 42. Violations against regulations on identification of foreign customers that are politically exposed persons (PEPs)

A fine ranging from VND 100.000.000 to VND 150.000.000 shall be imposed for failing to adopt risk management system for identifying foreign customers that are PEPs as prescribed in Clauses 2, 3 Article 13 of the Law on anti-money laundering.

Article 43. Violations against regulations on internal audit in anti-money laundering (AML) and review of customers and transactions, correspondent banking relationship

1. A fine ranging from VND 20.000.000 to VND 40.000.000 shall be imposed for failing to review customers and related parties on alert lists before establishing relationship with or providing banking services to customers.
2. A fine ranging from VND 40.000.000 to VND 80.000.000 shall be imposed for committing one of the following violations:
 - a) failing to adopt the measures prescribed in Article 14 of the Law on anti-money laundering when establishing a correspondent banking relationship with a foreign bank;
 - b) failing to report customers and related parties on alert lists to competent authorities as prescribed by law;
 - c) failing to carry out AML internal audit as prescribed by law.

Article 44. Violations against regulations on reporting on high-value transactions, suspicious transactions, electronic funds transfer, money laundering for terrorism financing purpose, and terrorism financing-related activities

1. A fine ranging from VND 20.000.000 to VND 30.000.000 shall be imposed for failing to submit reports on schedule as prescribed in the Law on anti-money laundering and the Law on combating the financing of terrorism.
2. A fine ranging from VND 30.000.000 to VND 50.000.000 shall be imposed for committing one of the following violations:
 - a) failing to report on high-value transactions;
 - b) failing to report on suspicious transactions;
 - c) failing to report on electronic funds transfers.
3. A fine ranging from VND 80.000.000 to VND 100.000.000 shall be imposed for failing to report on money laundering activities for terrorism financing purpose as prescribed in Article 30 of the Law on combating the financing of terrorism, failing to report on customers or their transactions suspected of being related to terrorism financing, or failing to report on customers on the blacklist as prescribed in the Law on combating the financing of terrorism.
4. A fine ranging from VND 150.000.000 to VND 200.000.000 shall be imposed for failing to carry out special supervision of unusual or complex high-value transactions or transactions made with organizations or individuals in countries or territories on the list announced by the Financial Action Task Force (FATF) for the anti-money laundering purpose or the alert list prescribed in

Article 16 of the Law on anti-money laundering, or failing to regularly examine and clarify transactions which are suspected of being related to terrorism financing.

Article 45. Violations against regulations on transaction delay, account freezing, and asset sealing or impoundment

1. A fine ranging from VND 40.000.000 to VND 80.000.000 shall be imposed for committing one of the following violations:

- a) failing to report on delay of transaction of which related parties are on the blacklist or when having reasonable grounds to suspect that the transaction is related to an offence as prescribed in Clause 3 Article 33 of the Law on anti-money laundering;
- b) failing to report on account freezing or sealing or impoundment of assets according to a decision of a competent authority as prescribed in Article 34 of the Law on anti-money laundering;
- c) failing to immediately report on the suspension of circulation or freezing of all money and assets related to the terrorism financing.

2. A fine ranging from VND 100.000.000 to VND 150.000.000 shall be imposed for committing one of the following violations:

- a) failing to delay transaction when finding that related parties of the transaction are on the blacklist or when having reasonable grounds to suspect that the transaction is related to an offence as prescribed in Clause 1 Article 33 of the Law on anti-money laundering;
- b) failing to freeze accounts, seal or impound assets according to a decision of a competent authority as prescribed in Article 34 of the Law on anti-money laundering;
- c) failing to immediately suspend the circulation or freeze all money and assets related to the terrorism financing.

Article 46. Violations against regulations on prohibited acts in anti-money laundering and combating the financing of terrorism

1. A fine ranging from VND 30.000.000 to VND 60.000.000 shall be imposed for obstructing the provision of information serving the performance of anti-money laundering and combating the financing of terrorism tasks.

2. A fine ranging from VND 100.000.000 to VND 150.000.000 shall be imposed for committing one of the following violations:

- a) creating or maintaining anonymous accounts or accounts with fake names;

b) illegally providing services of receipt of cash, cheques, other monetary instruments or stores of value and making payments to beneficiaries at another location.

3. A fine ranging from VND 200.000.000 to VND 250.000.000 shall be imposed for committing one of the following violations:

a) organizing or facilitating money laundering activities if not liable to criminal prosecution;

b) establishing and maintaining business relationship with a bank that is established in a country or territory but neither exists in that country or territory nor bears the management or supervision of any competent authority;

c) failing to denounce terrorism financing activities;

d) misusing the suspension, freezing, sealing, impoundment or handling of money and assets related to terrorism financing for harming the State interests or legitimate rights and benefits of regulatory authorities, organizations and/or individuals.

4. Remedial measures:

Proposed suspension of violating entities and/or persons responsible for the violation from holding the management or supervision position for 01 – 03 months, proposed dismissal or prohibition from holding the management or supervision position at a credit institution or FBB if any of the violations prescribed in Clause 2 and Clause 3 of this Article is committed.

Proposed dismissal and implementation of other appropriate measures against violating entities within the competence of a credit institution or FBB.

Section 13. VIOLATIONS AGAINST REGULATIONS ON INFORMATION PROVISION AND REPORTING

Article 47. Violations against regulations on reporting, and information management and provision

1. A fine ranging from VND 5.000.000 to VND 10.000.000 shall be imposed for committing one of the following violations:

a) failing to meet deadlines and documentation requirements for statistical reports covering a period of less than 01 month if the violation is recommitted within a fiscal year;

b) failing to submit required reports within the time limits prescribed by law, except the cases prescribed in Point a of this Clause, Points a, c Clause 5 of this Clause and Clause 1 Article 44 hereof;

c) failing to retain and manage documents for a duration prescribed by law, except the case prescribed in Point a Clause 1 Article 14 hereof;

d) submitting a report containing inaccurate figures if the violation is recommitted within a fiscal year, except the case prescribed in Point b Clause 5 of this Article.

2. A fine ranging from VND 10.000.000 to VND 15.000.000 shall be imposed for failing to submit all required reports or submitting a report which does not contain sufficient contents as prescribed by law, except the cases prescribed in Clauses 2, 3 Article 44, Clause 1 Article 45 hereof.

3. A fine ranging from VND 20.000.000 to VND 30.000.000 shall be imposed for committing one of the following violations:

a) failing to carry out registration of changes with competent authorities as prescribed in Point b Clause 4 Article 29 of the Law on Credit Institutions;

b) failing to publish the changes prescribed in Points a, b, c and d Clause 1 Article 29 of the Law on Credit Institutions on SBV's means of mass media and 03 consecutive issues of a daily printed newspaper or an online newspaper of Vietnam within 07 business days from the date on which the SBV gives approval for such changes.

4. A fine ranging from VND 30.000.000 to VND 40.000.000 shall be imposed for committing one of the following violations:

a) reporting in a dishonest manner;

b) providing information about operations of the SBV, credit institutions or FBBs or information about their customers against law regulations;

c) failing to provide information and/or documents as prescribed by law;

d) disclosing or using information about customers of a credit institution or FBB for the unlawful purposes.

5. A fine ranging from VND 40.000.000 to VND 50.000.000 shall be imposed for committing one of the following violations:

a) failing to send reports on credit information to the SBV within the prescribed time limit;

b) sending reports on credit information which contain inaccurate or insufficient information or do not meet technical requirements or failing to submit such reports on a timely manner to the SBV;

c) failing to submit reports on credit information to the SBV in accordance with SBV's regulations on credit information services;

d) failing to submit statistical reports on inbound/outbound money transfer serving international payments as prescribed by law.

6. A fine ranging from VND 50.000.000 to VND 100.000.000 shall be imposed for committing one of the following violations:

- a) failing to immediately report on insolvency risk to competent authorities;
- b) failing to provide information at the request of the SBV and competent authorities as prescribed in Clause 4 Article 18 of the Law on anti-money laundering;

7. Remedial measures:

- a) Enforced submission of sufficient and accurate reports if any of the violations prescribed in Points a, b, d Clause 1, Clause 2 and Clause 5 of this Article is committed;
- b) Prohibition of expansion of operating scope, scale and regions or addition of business lines until remedial measures against the violation have been successfully implemented if any of the violations prescribed in Point a Clause 5, Point a Clause 7 of this Article is committed;
- c) Proposed suspension of violating entities and/or persons responsible for the violation from holding the management or supervision position for 01 – 03 months, proposed dismissal or prohibition from holding the management or supervision position at a credit institution or FBB if the violation prescribed in Point a Clause 6 of this Article is committed.

Proposed dismissal and implementation of other appropriate measures against violating entities within the competence of a credit institution or FBB.

Section 14. OBSTRUCTION OF INVESTIGATION AND FAILURE TO COMPLY WITH REQUESTS OF COMPETENT OFFICIALS

Article 48. Obstruction of investigation and failure to comply with requests of competent officials

- 1. A fine ranging from VND 2.000.000 to VND 3.000.000 shall be imposed for obstructing or hindering competent officials from carrying out inspections.
- 2. A fine ranging from VND 5.000.000 to VND 10.000.000 shall be imposed for evading the inspection by competent officials.
- 3. A fine ranging from VND 10.000.000 to VND 20.000.000 shall be imposed for refusing to provide information, documents and/or electronic data to inspection teams or competent officials.
- 4. A fine ranging from VND 20.000.000 to VND 30.000.000 shall be imposed for committing one of the following violations:
 - a) failing to provide sufficient documents and data at the request of an inspection team;

b) deliberately removing or moving or performing other acts to change the existing status of the seals on vaults, safe, accounting books/vouchers, credit extension dossiers or other exhibits which are sealed and impounded;

c) failing to freeze accounts or remove freezing of accounts at the request of a competent official as prescribed by law.

5. A fine ranging from VND 30.000.000 to VND 50.000.000 shall be imposed for committing one of the following violations:

a) providing false documents and/or figures;

b) making unlawful intervention in actions taken by competent authorities and banking supervision agencies;

c) hiding or altering documents/records or changing exhibits during the inspection period.

6. A fine ranging from VND 50.000.000 to VND 100.000.000 shall be imposed for committing one of the following violations:

a) transferring funds or assets abroad after they are frozen;

b) failing to deposit funds or assets to the SBV or a credit institution at the request of the SBV after they are frozen;

c) failing to freeze funds and assets of a FBB at the request of the SBV.

Article 49. Violations against regulations on obligations of entities subject to banking inspection

1. A fine ranging from VND 5.000.000 to VND 10.000.000 shall be imposed for committing one of the following violations:

a) failing to provide sufficient and accurate information and/or documents in a timely manner at the request of the SBV;

b) failing to comply with the SBV's risk warnings and recommendations for safe operations;

c) failing to provide reports or explanations about the SBV's risk warnings and recommendations for safe operations.

2. A fine ranging from VND 40.000.000 to VND 50.000.000 shall be imposed for failing to comply with conclusions, recommendations or decisions on inspection.

3. Remedial measures:

Proposed suspension of violating entities and/or persons responsible for the violation from holding the management or supervision position for 01 – 03 months, proposed dismissal or prohibition from holding the management or supervision position at a credit institution or FBB if the violation prescribed in Clause 2 of this Article is committed.

Proposed dismissal and implementation of other appropriate measures against violating entities within the competence of a credit institution or FBB.

Section 15. VIOLATIONS AGAINST REGULATIONS ON SALE, PURCHASE AND SETTLEMENT OF DEBTS

Article 50. Violations against regulations on debt sale and purchase by credit institutions

1. A fine ranging from VND 50.000.000 to VND 80.000.000 shall be imposed for failing to establish a debt sale and purchase council when buying and selling debts.
2. A fine ranging from VND 80.000.000 to VND 100.000.000 shall be imposed for committing one of the following violations:
 - a) selling a debt which is used as a guarantee for other civil obligations, unless the obligee gives a written consent to the debt sale;
 - b) the debt seller repurchases its sold debts, except the case prescribed in Article 148dd of the Law on Credit Institutions as amended in 2017.
3. Additional penalties:

The debt sale and purchase operations shall be suspended for 03 – 06 months if the violation prescribed in Clause 1 of this Article is committed.

4. Remedial measures:

Enforced reversal of the sale of debts if the violation prescribed in Clause 2 of this Article is committed.

Article 51. Violations against regulations on sale, purchase and settlement of bad debts by Vietnam Asset Management Company (VAMC)

1. A fine ranging from VND 5.000.000 to VND 10.000.000 shall be imposed for committing one of the following violations:
 - a) managing purchased bad debts and inspecting collaterals for bad debts against law regulations;
 - b) authorizing credit institutions and inspecting their performance of authorized contents against law regulations;

c) implementing measures for debt restructuring and giving financial support to borrowers against law regulations;

d) making capital contributions or purchasing shares against law regulations;

dd) setting aside and using provisions to eliminate risks to the bad debts purchased at the market value against law regulations.

2. A fine ranging from VND 10.000.000 to VND 15.000.000 shall be imposed for committing one of the following violations:

a) buying and selling bad debts against law regulations;

b) settling collaterals for purchased bad debts against law regulations.

3. A fine ranging from VND 15.000.000 to VND 20.000.000 shall be imposed for performing acts authorized by VAMC after selling debts against law regulations.

Section 16. VIOLATIONS AGAINST REGULATIONS ON INFORMATION SYSTEM SECURITY IN BANKING OPERATIONS

Article 52. Violations against regulations on information system security in banking operations

1. A fine ranging from VND 10.000.000 to VND 20.000.000 shall be imposed for committing one of the following violations:

a) failing to carry out assessment of information technology (IT) risks and operational risks before using IT services rendered by a third party as prescribed by law.

b) failing to carry out assessment of security level of the information system providing online transaction services for customers before it is put into official operation.

2. A fine ranging from VND 20.000.000 to VND 30.000.000 shall be imposed for committing one of the following violations:

a) failing to disseminate or provide updated regulations on information security to all staff members at least once every year;

b) failing to take data backup or insufficiently backing up data to ensure data security as prescribed by law;

c) failing to implement network security solutions for controlling network connection as well as detecting and preventing attacks and illegal access to information systems providing online transaction services for customers;

d) failing to verify identity of service users when rendering banking services on the Internet as prescribed by law;

dd) failing to provide instructions to customers on measures for ensuring security and confidentiality of information when using banking services on the Internet;

e) failing to keep logbooks of operations of information systems and users, errors and information security incidents as prescribed by law.

3. Additional penalties:

The use of IT services rendered by a third party shall be suspended for 01 – 03 months if the violation prescribed in Point a Clause 1 of this Article is committed.

4. Remedial measures:

Enforced compliance with regulations on information system security in banking operations.

Chapter III

POWER TO IMPOSE PENALTIES AND RECORD ADMINISTRATIVE VIOLATIONS

Article 53. Power to impose administrative penalties

1. Banking inspector on duty shall have the power to:

a) Issue warning;

b) Impose a fine up to VND 500.000;

c) Confiscate the exhibits and instrumentalities used for committing administrative violations provided their value does not exceed VND 500.000;

2. Chief inspectors of SBV's provincial branches shall have the power to:

a) Issue warning;

b) Impose a fine up to VND 50.000.000;

c) Confiscate the exhibits and instrumentalities used for committing administrative violations provided their value does not exceed VND 50.000.000;

d) Impose additional penalties and enforce remedial measures prescribed in Clause 2, Clause 4 Article 3 hereof.

3. Directors of Banking Supervision Departments shall have the power to:

- a) Issue warning;
- b) Impose a fine up to VND 250.000.000;
- c) Confiscate the exhibits and instrumentalities used for committing administrative violations provided their value does not exceed VND 250.000.000;
- d) Impose additional penalties and enforce remedial measures prescribed in Clause 2, Clause 4 Article 3 hereof.

4. Head of the Banking Supervision Agency shall have the power to:

- a) Issue warning;
- b) Impose a fine up to VND 1.000.000.000;
- c) Impose additional penalties and enforce remedial measures prescribed in Clause 2, Clause 4 Article 3 hereof.

5. Heads of inspection teams established according to decisions of the SBV's Governor or head of the Banking Supervision Agency shall have the power to impose administrative penalties as prescribed in Clause 3 of this Article.

Heads of inspection teams established according to decisions of Directors of SBV's provincial branches, Directors of Banking Supervision Departments or Chief Inspectors of SBV's provincial branches shall have the power to impose administrative penalties as prescribed in Clause 2 of this Article.

Article 54. Power to penalties for administrative violations in monetary and banking sector of other title holders

1. Chairpersons of People's Committees shall have the power to impose administrative penalties, additional penalties and enforce remedial measures in accordance with Article 38 of the Law on penalties for administrative violations.
2. People's public security force shall have the power to impose administrative penalties, additional penalties and enforce remedial measures in accordance with Article 39 of the Law on penalties for administrative violations.
3. Border guard force shall have the power to impose administrative penalties, additional penalties and enforce remedial measures in accordance with Article 40 of the Law on penalties for administrative violations.
4. Coast guard force shall have the power to impose administrative penalties, additional penalties and enforce remedial measures in accordance with Article 41 of the Law on penalties for administrative violations.

5. Market surveillance force shall have the power to impose administrative penalties, additional penalties and enforce remedial measures in accordance with Article 45 of the Law on penalties for administrative violations.

6. Tourism inspection force shall have the power to impose administrative penalties, additional penalties and enforce remedial measures in accordance with Article 46 of the Law on penalties for administrative violations.

7. Customs authorities shall have the power to impose administrative penalties, additional penalties and enforce remedial measures in accordance with Article 42 of the Law on penalties for administrative violations.

Article 55. Determination of power to impose penalties for administrative violations in monetary and banking sector

1. Power to impose administrative penalties of Chairpersons of people's committees at all levels

a) Chairpersons of communal-level people's committees shall have the power to impose penalties for the administrative violations prescribed in Clause 1 Article 23 and Clause 1 Article 24 hereof;

b) Chairpersons of district-level people's committees shall have the power to impose penalties for the administrative violations prescribed in Clauses 1, 2, Points a, b, c, h, i, k, l Clause 3, Points h, o and n Clause 4 Article 23 and Clauses 1, 2, 3 Article 24 hereof;

c) Chairpersons of provincial-level people's committees shall have the power to impose penalties for the administrative violations prescribed in Clauses 1, 2, Points a, b, c, h, i, k, l Clause 3, Points h, o and n Clause 4, Points c, e, g, h Clause 5, Point c Clause 8 Article 23, Clauses 1, 2, 3, 4, Points a, c Clause 5, Clause 6, Clause 7 and Clause 8 Article 24, Point c Clause 7 Article 28 hereof.

2. Power to impose administrative penalties of market surveillance force:

a) Market controllers shall have the power to impose penalties for the administrative violations prescribed in clause 1 Article 23 and Clause 1 Article 24 hereof;

b) Heads of market surveillance teams shall have the power to impose penalties for the administrative violations prescribed in Clauses 1, 2 Article 23 and Clauses 1, 2 Article 24 hereof;

c) Directors of Provincial Market Surveillance Departments and the Director of Market Surveillance Operations Department affiliated to Vietnam Directorate of Market Surveillance shall have the power to impose penalties for the administrative violations prescribed in Clauses 1, 2, Points a, b, h, i, k, l Clause 3, Points n, o Clause 4 Article 23 and Clauses 1, 2, Point a Clause 3 Article 24 hereof;

d) Director General of Vietnam Directorate of Market Surveillance shall have the power to impose penalties for the administrative violations prescribed in Clauses 1, 2, Points a, b, h, i, k, l Clause 3, Points n, o Clause 4, Points e, g, h Clause 5, Point c Clause 8 Article 23, Clauses 1, 2, Point a Clause 3, Point a Clause 4, Clause 6, Clause 7 and Points a, c Clause 8 Article 24 hereof.

3. Power to impose administrative penalties of border guard force:

a) Border guard soldiers, heads of border guard stations, and leaders of border guard soldiers shall have the power to impose penalties for the administrative violations prescribed in Clause 1 Article 23 and Clause 1 Article 24 hereof;

b) Heads of border guard posts, commanders of border-guard flotillas and commanders of port border guards shall have the power to impose penalties for the administrative violations prescribed in Clauses 1, 2 Article 23 and Clauses 1, 2 Article 24 hereof;

c) Commanders of provincial-level border guard forces and commanders of border guard fleets affiliated to the Border Guard High Command shall have the power to impose penalties for the administrative violations prescribed in Clauses 1, 2, Points h, i, k Clause 3, Point h Clause 4, Points e, g, h Clause 5 Article 23 and Clauses 1, 2, 4 Article 24 hereof.

4. Power to impose administrative penalties of coast guard force:

a) Coast guard officers and coastguard team leaders shall have the power to impose penalties for the administrative violations prescribed in Clause 1 Article 23 and Clause 1 Article 24 hereof;

b) Coastguard squad leaders and captains of coastguard stations shall have the power to impose penalties for the administrative violations prescribed in Clause 1 Article 23 and Clause 1 Article 24 hereof;

c) Commanders of coastguard platoons shall have the power to impose penalties for the administrative violations prescribed in Clauses 1, 2 Article 23 and Clauses 1, 2 Article 24 hereof;

d) Commanders in chief of coastguard squadrons shall have the power to impose penalties for the administrative violations prescribed in Clauses 1, 2, Points h, i, k Clause 3 Article 23 and Clauses 1, 2 Article 24 hereof;

dd) Commanders of Regional Coast Guards shall have the power to impose penalties for the administrative violations prescribed in Clauses 1, 2, Points h, i, k Clause 3 Article 23 and Clauses 1, 2 Article 24 hereof;

e) Commanders of Coastguard Headquarters shall have the power to impose penalties for the administrative violations prescribed in Clauses 1, 2, Points h, i, k Clause 3, Point h Clause 4, Points e, g, h Clause 5 Article 23 and Clauses 1, 2, Point a Clause 4 Article 24 hereof.

5. Persons competent to impose penalties of people's public security force shall have the power to impose penalties for the administrative violations prescribed in Clauses 1, 2, Points a, b, c, h, i,

k, l Clause 3, Points h, n, o Clause 4, Points c, e, g, h Clause 5, Point c Clause 8 Article 23; Clauses 1, 2, 3, 4, Points a, c Clause 5, Clause 6, Clause 7 and Clause 8 Article 24; Point b Clause 2, Clause 5, Clause 6, Clause 7 Article 26; Point a Clause 1, Clauses 3, 4, 5 Article 27; Points c, d Clause 5, Clause 6, Clause 7 Article 28; Article 31; Article 46; Article 48 hereof.

6. Power to impose administrative penalties of tourism inspection force

a) On-duty inspectors and persons who are assigned to conduct specialized inspections shall have the power to impose penalties for the administrative violations specified in Clause 1 Article 23 hereof;

b) Chief inspectors of provincial departments and heads of provincial-level inspection teams shall have the power to impose penalties for the administrative violations prescribed in Clauses 1, 2, Points a, b, c, h, i, k, l Clause 3, Points b, n, o Clause 4 Article 23 hereof;

c) Heads of ministerial-level inspection teams and Chief Inspectors of Ministries shall have the power to impose penalties for the administrative violations prescribed in Clauses 1, 2, Points a, b, c, h, i, k, l Clause 3, Points b, n, o Clause 4, Points e, g, h Clause 5 Article 23 hereof.

7. Power to impose administrative penalties of customs authorities:

Director General of General Department of Customs shall have the power to impose penalties for the administrative violations prescribed in Point b Clause 8 Article 23, Point c Clause 5, Point b Clause 8 Article 24 hereof.

8. Power to impose administrative penalties of Banking Supervision Agency:

Persons competent to impose penalties of Banking Supervision Agency shall have the power to record administrative violations, impose penalties and remedial measures against administrative violations prescribed in Chapter II hereof within the ambit of their assigned functions, duties and powers.

Article 56. Power to record administrative violations

The following persons shall have the power to record administrative violations:

1. The persons that have the power to impose administrative penalties prescribed in Article 53 and Article 54 hereof;

2. Persons of People's Army or People's Public Security Force performing their duties at the authorities prescribed in Article 54 hereof according to legislative documents or administrative documents promulgated by competent authorities or officers; pilots in command, ship captains, train masters and persons that they assign to record violations;

3. Officials in banking sector who are performing their duties according to legislative documents or administrative documents promulgated by competent authorities or officers.

Chapter IV

IMPLEMENTATION

Article 57. Effect

This Decree comes into force from December 31, 2019 and supersedes the Government's Decree No. 96/2014/ND-CP dated October 17, 2014.

Article 58. Transition

1. Administrative violations in monetary and banking sector committed before this Decree comes into force and discovered afterwards but before the expiration of their prescriptive periods or currently taken into consideration shall be handled in accordance with regulations that are advantageous to the violating entities.

2. In case there is a complaint filed against a decision on imposition of administrative penalty in monetary and banking sector which has been issued or implemented before this Decree comes into force, the complaint shall be solved in accordance with the Government's Decree No. 96/2014/ND-CP dated October 17, 2014.

Article 59. Responsibility for implementation

SBV's Governor, Ministers, heads of ministerial-level agencies, heads of Governmental agencies, Chairpersons of the People's Committees of provinces and central-affiliated cities shall be responsible for the implementation of this Decree./.

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

Nguyen Xuan Phuc

*This translation is made by **THƯ VIỆN PHÁP LUẬT**, Ho Chi Minh City, Vietnam and for reference purposes only. Its copyright is owned by **THƯ VIỆN PHÁP LUẬT** and protected under Clause 2, Article 14 of the Law on Intellectual Property. Your comments are always welcomed*