

**THE GOVERNMENT**

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**THE SOCIALIST REPUBLIC OF VIETNAM**

**Independence – Freedom – Happiness**

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*Hanoi, April 25, 2019*

## **DECREE**

### **PENALTIES FOR ADMINISTRATIVE VIOLATIONS AGAINST REGULATIONS ON FORESTRY**

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

*Pursuant to the Law on forestry dated November 15, 2017;*

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

*At the request of the Minister of Agriculture and Rural Development;*

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

## **Chapter I**

### **GENERAL PROVISIONS**

#### **Article 1. Scope**

1. This Decree deals with violations, penalties, fines, remedial measures against administrative violations, the power to impose administrative penalties and the power to make records of administrative violations against regulations on forestry.
2. Other administrative violations against regulations on forestry which are not prescribed in this Decree shall be governed by other relevant Government's decrees on penalties for administrative violations within the scope of state management.

#### **Article 2. Regulated entities**

1. This Decree applies to domestic and foreign organizations and individuals that commit violations against regulations on forestry in the territory of Vietnam; the persons that have the power to record violations and the ones competent to impose administrative penalties in accordance with regulations herein.
2. Organizations mentioned in Clause 1 of this Article include:

- a) Regulatory authorities committing violations which are not related to their assigned management tasks;
- b) Enterprises that are established and operate under the law of Vietnam; branches and representative offices operating in Vietnam of foreign enterprises;
- c) Co-operatives and cooperative unions;
- d) Public service providers;
- dd) Professional organizations operating in the forestry sector.

3. Individuals mentioned in Clause 1 of this Article include entities that are not prescribed in Clause 2 of this Article.

### **Article 3. Definitions**

For the purposes of this Decree, the below are construed as follows:

1. “forest ranger” means an official who is in charge of forest management and on the payroll of forest protection authorities.
2. “vital body parts” mean animal body parts which have specialized functions and the separation of which from the animal body will lead to the death of such animal (e.g. head, heart, skin, skeleton and liver, etc.).
3. “products of forest animals” mean products which originate from forest animals such as meat, eggs, milk, sperm, embryo, blood, bile, internal organs, skin, fur, bones, horn, ivory, legs and hoofs, etc. or articles whose ingredients are processed or prepared parts of forest animals such as bone glue, handbags, purses and belts made from skins of forest animals.
4. “regenerating forest without reserve volume” refers to forest composed of trees established through either natural regeneration or assisted natural regeneration with the standing volume of 10 m<sup>3</sup>/ha.
5. Exhibits and instrumentalities for committing administrative violations include:
  - a) Forest products which are exploited, traded, transported, stored or processed against the law;
  - b) Devices, tools and petrol chainsaws of various types used to commit administrative violations;
  - c) Vehicles, including bicycles, non-motorized vehicles, motorcycles, motor vehicles, vessels, boats, motorboats, lighters and other vehicles which are used to commit administrative violations.

6. "illegally appropriated vehicle" means a vehicle which is stolen, robbed, extorted or appropriated by the violator by abuse of trust or when its legal owner is unable to prevent such act of appropriation, or a vehicle the possession, management or utilization of which is illegally taken by the violator.

7. "illegally used vehicle" means a vehicle which is lent or leased out, operated or used by a person who is hired by the legal owner, manager or user to use it for lawful purposes but is deliberately used for committing an administrative violation by the borrower, lessee or hired person.

#### **Article 4. Penalties and remedial measures**

1. The organization or individual must incur a warning or a fine when committing an administrative violation against regulations on forestry.

2. Depending on the nature and severity of each administrative violation, the violating organization or individual may face one or some of the following additional penalties:

a) Confiscation of the exhibits and instrumentalities for committing administrative violations;

b) Suspension of forest harvesting for a fixed period of 06 - 12 months;

c) Suspension of the processing of forest products for a fixed period of 06 - 12 months.

3. In addition to administrative penalties, the violating organization or individual may be liable to one or some of the following remedial measures:

a) Enforced restoration to original condition;

b) Enforced demolition of buildings or structures which have been built without the license or inconsistently with the license;

c) Enforced implementation of measures for control of environmental pollution and prevention of the spread of epidemics;

d) Enforced destruction of goods or articles which cause harm to human health, domestic animals, plants or environment;

dd) Enforced transfer of illegal benefits obtained from administrative violations or enforced transfer of amounts of money equivalent to the value of the exhibits and/or instrumentalities of administrative violations which have been sold, liquidated, hidden or destroyed inconsistently with the law;

e) Enforced reforestation or payment of reforestation cost equivalent to the standard afforestation investment applicable by local government at the time of committing administrative violations;

- g) Enforced revocation of issued sustainable forest management certificate;
- h) Enforced payment for forest environmental services and interests on late payments (if any) corresponding to late payment amounts and period;
- i) Enforced payment for forest environmental services to entities in charge of forest protection under signed contracts;
- k) Enforced destruction of tree seed or seedling shipments;
- l) Enforced removal of waste, hazardous, flammable, explosive, ignitable chemicals from forests;
- m) Enforced establishment of ecotourism, resort or recreation area project which must comply with law or be conformable with the ecotourism, resort or recreation area scheme approved by a competent authority;
- n) Enforced formulation and submission of sustainable foreign management plans to competent authorities for approval;
- o) Enforced reforestation in the next season.

#### **Article 5. Units used in damage calculation**

1. Forest area or immature forest area is calculated by  $m^2$ .
2. Timber volume is calculated by  $m^3$ .
3. Units and methods for determining quantities and volumes of forest products shall conform to regulations of the Ministry of Agriculture and Rural Development. When imposing administrative penalties, the exhibits of violations which are timber must be converted into logs. Sawn wood or roughly squared wood may be converted into logs by multiplying a coefficient of 1.6.
4. The value of forest animals of common species, body parts or products thereof, endangered, rare and precious animals of Group IIB, body parts or products thereof, endangered, rare and precious animals of Group IB, body parts or products thereof, non-timber forest plants and timber products shall be determined in VND.

#### **Article 6. Imposition of administrative penalties**

1. The fine for every administrative violation prescribed herein shall be imposed on individual and shall not exceed VND 500,000,000. The fine imposed on an organization is twice as much as that imposed on an individual for the same administrative violation and shall not exceed VND 1,000,000,000.

2. Penalties for administrative violations involving endangered, rare timber or non-timber forest plants that need protection shall be the same as those for endangered, rare and precious timber or non-timber forest plants of Group IA.

3. Penalties for administrative violations involving species in Appendix I of CITES shall be the same as those for endangered, rare and precious plants or animals of Group I. Penalties for administrative violations involving species in Appendix II of CITES shall be the same as those for endangered, rare and precious plants or animals of Group II.

4. Penalties for administrative violations involving endangered, rare and precious animals of Group IB or Group IIB or in Appendix I or Appendix II of CITES but classified as endangered, rare animals that need protection shall be the same as those for endangered, rare animals that need protection.

5. The violation which has been handled by a criminal proceedings agency but then is classified as an administrative violation according to the decision not to institute criminal proceedings, decision to drop criminal charges, decision to terminate investigative activities or decision to dismiss a case as prescribed in Article 63 of the Law on penalties for administrative violations shall be handled according to its nature, severity and consequence as regulated herein. In case the exhibits of violations are endangered, rare animals that need protection, they shall be treated as endangered, rare and precious animals of Group IB.

If the seriousness of the violation exceeds the maximum fine in the fine bracket, the maximum fine will be imposed.

6. If a violation causes damage to various forest categories, including production forest, protective forest, special-use forest, or has exhibits comprising of various forest products but is not liable to criminal prosecution, the fine for this violation shall be imposed according to each forest category or forest product type.

7. Any violation involving the forest which is planned to be used for other purposes but the repurposing decision is not yet in effect shall be handled in the same manner as the violation involving the forest before it is repurposed.

8. If the forest owner detects any violation which causes damage to his/her forest products, he/she shall record the violation, protect the scene and exhibits, submit a report and transfer the case to a competent authority/ official within 03 days from the detection of violation, and then is required to cooperate with competent authority/ official in handling the case according to regulations herein. Confiscated forest products shall be returned to the forest owner if they are extracted from the forest planted by using the forest owner's funding only.

9. Exhibits/vehicles which have been impounded because they have been illegally appropriated or used by violators shall be handled according to Clause 1 Article 126 of the Law on penalties for administrative violations.

## **Chapter II**

## **ADMINISTRATIVE VIOLATIONS, PENALTIES AND REMEDIAL MEASURES**

### **Section 1. VIOLATIONS AGAINST REGULATIONS ON FOREST MANAGEMENT AND UTILIZATION**

#### **Article 7. Forest trespass**

The following penalties shall be imposed for illegal relocation of forest boundaries/ boundary markers or appropriation of forest land of other persons or publicly owned forests which are not yet allocated or leased out:

1. A fine ranging from VND 1,000,000 to VND 3,000,000 shall be imposed in one of the following circumstances:

- a) The violation involves the immature forest or regenerating forest without reserve volume classified as production forest, protective forest or special-use forest and having an area of less than 5,000 m<sup>2</sup>;
- b) The violation involves the production forest with an area of less than 3,000 m<sup>2</sup>;
- c) The violation involves the protective forest with an area of less than 2,000 m<sup>2</sup>;
- d) The violation involves the special-use forest with an area of less than 1,000 m<sup>2</sup>.

2. A fine ranging from VND 3,000,000 to VND 7,000,000 shall be imposed in one of the following circumstances:

- a) The violation involves the immature forest or regenerating forest without reserve volume classified as production forest, protective forest or special-use forest and having an area of from 5,000 m<sup>2</sup> to under 10,000 m<sup>2</sup>;
- b) The violation involves the production forest with an area of from 3,000 m<sup>2</sup> to under 5,000 m<sup>2</sup>;
- c) The violation involves the protective forest with an area of from 2,000 m<sup>2</sup> to under 4,000 m<sup>2</sup>;
- d) The violation involves the special-use forest with an area of from 1,000 m<sup>2</sup> to under 3,000 m<sup>2</sup>.

3. A fine ranging from VND 7,000,000 to VND 15,000,000 shall be imposed in one of the following circumstances:

- a) The violation involves the immature forest or regenerating forest without reserve volume classified as production forest, protective forest or special-use forest and having an area of from 10,000 m<sup>2</sup> to under 20,000 m<sup>2</sup>;
- b) The violation involves the production forest with an area of from 5,000 m<sup>2</sup> to under 8,000 m<sup>2</sup>;

- c) The violation involves the protective forest with an area of from 4,000 m<sup>2</sup> to under 6,000 m<sup>2</sup>;
- d) The violation involves the special-use forest with an area of from 3,000 m<sup>2</sup> to under 4,000 m<sup>2</sup>.

4. A fine ranging from VND 15,000,000 to VND 25,000,000 shall be imposed in one of the following circumstances:

- a) The violation involves the immature forest or regenerating forest without reserve volume classified as production forest, protective forest or special-use forest and having an area of from 20,000 m<sup>2</sup> to under 30,000 m<sup>2</sup>;
- b) The violation involves the production forest with an area of from 8,000 m<sup>2</sup> to under 10,000 m<sup>2</sup>;
- c) The violation involves the protective forest with an area of from 6,000 m<sup>2</sup> to under 8,000 m<sup>2</sup>;
- d) The violation involves the special-use forest with an area of from 4,000 m<sup>2</sup> to under 5,000 m<sup>2</sup>.

5. A fine ranging from VND 25,000,000 to VND 32,000,000 shall be imposed in one of the following circumstances:

- a) The violation involves the immature forest or regenerating forest without reserve volume classified as production forest, protective forest or special-use forest and having an area of from 30,000 m<sup>2</sup> to under 40,000 m<sup>2</sup>;
- b) The violation involves the production forest with an area of from 10,000 m<sup>2</sup> to under 15,000 m<sup>2</sup>;
- c) The violation involves the protective forest with an area of from 8,000 m<sup>2</sup> to under 12,000 m<sup>2</sup>;
- d) The violation involves the special-use forest with an area of from 5,000 m<sup>2</sup> to under 7,000 m<sup>2</sup>.

6. A fine ranging from VND 32,000,000 to VND 40,000,000 shall be imposed in one of the following circumstances:

- a) The violation involves the immature forest or regenerating forest without reserve volume classified as production forest, protective forest or special-use forest and having an area of from 40,000 m<sup>2</sup> to under 50,000 m<sup>2</sup>;
- b) The violation involves the production forest with an area of from 15,000 m<sup>2</sup> to under 20,000 m<sup>2</sup>;
- c) The violation involves the protective forest with an area of from 12,000 m<sup>2</sup> to under 15,000 m<sup>2</sup>;

d) The violation involves the special-use forest with an area of from 7,000 m<sup>2</sup> to under 10,000 m<sup>2</sup>.

7. A fine ranging from VND 40,000,000 to VND 50,000,000 shall be imposed in one of the following circumstances:

a) The violation involves an immature forest or regenerating forest without reserve volume classified as production forest, protective forest or special-use forest and having an area of  $\geq 50,000$  m<sup>2</sup>;

b) The violation involves the production forest with an area of  $\geq 20,000$  m<sup>2</sup>;

c) The violation involves the protective forest with an area of  $\geq 15,000$  m<sup>2</sup>;

d) The violation involves the special-use forest with an area of  $\geq 10,000$  m<sup>2</sup>.

8. Remedial measures:

The violator is compelled to restore the original condition which is changed by one of the violations specified in Clause 1 through 7 of this Article.

#### **Article 8. Illegal use of forest land, illegal services and business activities in forests**

1. A fine ranging from VND 1,000,000 to VND 5,000,000 shall be imposed for organization of tourism activities or sightseeing in the forest without the forest owner's permission.

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

a) Provision of services or performance of business activities in the forest without the forest owner's permission;

b) Organization of vacation or entertainment activities within the strictly protected area of the special-use forest.

3. A fine ranging from VND 10,000,000 to VND 25,000,000 shall be imposed for investment in ecotourism, resort or recreation area in the special-use forest or protective forest in one of the following circumstances:

a) The investor fails to establish an ecotourism, resort or recreation area project as regulated;

b) The ecotourism, resort or recreation area project is not conformable with the ecotourism, resort or recreation area scheme approved by a competent authority.

4. Remedial measures:

a) The violator is compelled to restore the original condition which is changed by the violation specified in Clause 2 of this Article;

b) The violator is compelled to establish an ecotourism, resort or recreation area project in conformity with the ecotourism, resort or recreation area scheme approved by a competent authority if the violation specified in Clause 3 of this Article is committed.

5. If any violation specified in this Article causes damage to the forest or forest products, the violator shall also incur penalties prescribed in Article 13 or Article 20 hereof.

#### **Article 9. Violations against regulations on payments for forest environments services**

1. The following penalties shall be imposed for failure to enter into the payments for forest environmental services contract within 03 months from the date of enjoyment of forest environmental services:

a) A fine ranging from VND 3,000,000 to VND 5,000,000 shall be imposed on the user who fails to enter into the contract with the forest owner in case of direct payment;

b) A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed on the user who fails to enter into the contract with the Provincial Forest Protection and Development Fund in case of indirect payment;

c) A fine ranging from VND 40,000,000 to VND 50,000,000 shall be imposed on the user who fails to enter into the contract with Vietnam Forest Protection and Development Fund in case of indirect payment.

2. The following penalties shall be imposed for failure to make statement of amounts payable for forest environmental services in case of indirect payment:

a) A fine ranging from VND 1,000,000 to VND 2,000,000 shall be imposed if the amount payable is less than VND 50,000,000;

b) A fine ranging from VND 2,000,000 to VND 3,000,000 shall be imposed if the amount payable is from VND 50,000,000 to under VND 200,000,000;

c) A fine ranging from VND 3,000,000 to VND 5,000,000 shall be imposed if the amount payable is from VND 200,000,000 to under VND 300,000,000;

d) A fine ranging from VND 5,000,000 to VND 7,000,000 shall be imposed if the amount payable is from VND 300,000,000 to under VND 500,000,000;

dd) A fine ranging from VND 7,000,000 to VND 10,000,000 shall be imposed if the amount payable is  $\geq$  VND 500,000,000.

3. The following penalties shall be imposed for failure to make payment or full payment for forest environment services:

a) A fine ranging from VND 1,000,000 to VND 2,000,000 shall be imposed for failure to make payment or full payment for forest environmental services for over 03 months from the agreed payment date specified in the signed contract in case the amount payable is less than VND 20,000,000;

b) A fine ranging from VND 2,000,000 to VND 3,000,000 shall be imposed for failure to make payment or full payment for forest environmental services for over 03 months from the agreed payment date specified in the signed contract in case the amount payable is from VND 20,000,000 to under VND 30,000,000;

c) A fine ranging from VND 3,000,000 to VND 5,000,000 shall be imposed for failure to make payment or full payment for forest environmental services for over 03 months from the agreed payment date specified in the signed contract in case the amount payable is from VND 30,000,000 to under VND 50,000,000;

d) A fine ranging from VND 5,000,000 to VND 15,000,000 shall be imposed for failure to make payment or full payment for forest environmental services for over 03 months from the agreed payment date specified in the signed contract in case the amount payable is from VND 50,000,000 to under VND 100,000,000;

dd) A fine ranging from VND 15,000,000 to VND 25,000,000 shall be imposed for failure to make payment or full payment for forest environmental services for over 03 months from the agreed payment date specified in the signed contract in case the amount payable is from VND 100,000,000 to under VND 200,000,000;

e) A fine ranging from VND 25,000,000 to VND 40,000,000 shall be imposed for failure to make payment or full payment for forest environmental services for over 03 months from the agreed payment date specified in the signed contract in case the amount payable is from VND 200,000,000 to under VND 500,000,000;

g) A fine ranging from VND 40,000,000 to VND 50,000,000 shall be imposed for failure to make payment or full payment for forest environmental services for over 03 months from the agreed payment date specified in the signed contract in case the amount payable is  $\geq$  VND 500,000,000.

4. The following penalties shall be imposed for failure to make payment or full/timely payment for forest environmental services to the person in charge of forest protection under the contract signed with the forest owner:

a) A fine ranging from VND 1,000,000 to VND 2,000,000 shall be imposed if the amount payable is less than VND 5,000,000;

- b) A fine ranging from VND 2,000,000 to VND 3,000,000 shall be imposed if the amount payable is from VND 5,000,000 to under VND 20,000,000;
- c) A fine ranging from VND 3,000,000 to VND 5,000,000 shall be imposed if the amount payable is from VND 20,000,000 to under VND 50,000,000;
- d) A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed if the amount payable is  $\geq$  VND 50,000,000.

5. Remedial measures:

- a) The violator is compelled to make full payment for forest environmental services and late payment interests (if any) within 01 month from the issuance of decision on penalty imposition in case of the violation specified in Clause 3 of this Article.

The interest is charged on the late payment amount for the duration of late payment according to the basic interest rate announced by the State Bank of Vietnam at the time closest to the date of issuance of the decision on penalty imposition.

- b) The violator is compelled to make full payment for forest environmental services to the person in charge of forest protection under the contract signed with the forest owner within 01 month from the issuance of decision on penalty imposition in case of the violation specified in Clause 4 of this Article.

**Article 10. Violations against regulations on sustainable forest management**

- 1. A fine ranging from VND 1,000,000 to VND 3,000,000 shall be imposed for failure to formulate and submit the sustainable forest management plan to a competent authority for approval or failure to comply with the one approved by a competent authority.
- 2. A fine ranging from VND 3,000,000 to VND 5,000,000 shall be imposed for examination and issuance of sustainable forest management certificates against regulations on sustainable forest management criteria.

3. Remedial measures:

- a) The violator is compelled to formulate and submit the sustainable forest management plan to a competent authority for approval in case of the violation specified in Clause 1 of this Article;
- b) The sustainable forest management certificate shall be revoked in case of the violation specified in Clause 2 of this Article.

**Article 11. Violations against regulations on documents and procedures for extraction of forest products of lawful origin**

1. A fine ranging from VND 500,000 to VND 1,000,000 shall be imposed for failure to prepare adequate documents or follow procedures for extraction of forest products as regulated by laws when carrying out the logging, full exploitation or salvage logging of timber of lawful origin from the planted forest whose owner is represented by the State.

2. A fine ranging from VND 1,000,000 to VND 5,000,000 shall be imposed for failure to prepare adequate documents or follow procedures for extraction of forest products as regulated by laws when carrying out the logging, full exploitation or salvage logging of forest products of lawful origin from natural forests.

## **Article 12. Violations against regulations on repurposing of forests**

The following penalties shall be imposed for failure to follow procedures for forest repurposing although all repurposing requirements are satisfied:

1. A fine ranging from VND 1,000,000 to VND 5,000,000 shall be imposed in one of the following circumstances:

- a) The repurposed forest is the production forest with an area of less than 800 m<sup>2</sup>;
- b) The repurposed forest is the protective forest with an area of less than 600 m<sup>2</sup>;
- c) The repurposed forest is the special-use forest with an area of less than 400 m<sup>2</sup>.

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

- a) The repurposed forest is the production forest with an area of from 800 m<sup>2</sup> to under 1,400 m<sup>2</sup>;
- b) The repurposed forest is the protective forest with an area of from 600 m<sup>2</sup> to under 1,000 m<sup>2</sup>;
- c) The repurposed forest is the special-use forest with an area of from 400 m<sup>2</sup> to under 800 m<sup>2</sup>.

3. A fine ranging from VND 10,000,000 to VND 25,000,000 shall be imposed in one of the following circumstances:

- a) The repurposed forest is the production forest with an area of from 1,400 m<sup>2</sup> to under 3,000 m<sup>2</sup>;
- b) The repurposed forest is the protective forest with an area of from 1,000 m<sup>2</sup> to under 2,000 m<sup>2</sup>;
- c) The repurposed forest is the special-use forest with an area of from 800 m<sup>2</sup> to under 1,500 m<sup>2</sup>.

4. A fine ranging from VND 25,000,000 to VND 40,000,000 shall be imposed in one of the following circumstances:

- a) The repurposed forest is the production forest with an area of from 3,000 m<sup>2</sup> to under 5,000 m<sup>2</sup>;
- b) The repurposed forest is the protective forest with an area of from 2,000 m<sup>2</sup> to under 3,000 m<sup>2</sup>;
- c) The repurposed forest is the special-use forest with an area of from 1,500 m<sup>2</sup> to under 2,500 m<sup>2</sup>.

5. A fine ranging from VND 40,000,000 to VND 60,000,000 shall be imposed in one of the following circumstances:

- a) The repurposed forest is the production forest with an area of from 5,000 m<sup>2</sup> to under 7,000 m<sup>2</sup>;
- b) The repurposed forest is the protective forest with an area of from 3,000 m<sup>2</sup> to under 5,000 m<sup>2</sup>;
- c) The repurposed forest is the special-use forest with an area of from 2,500 m<sup>2</sup> to under 3,500 m<sup>2</sup>.

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

- a) The repurposed forest is the production forest with an area of from 7,000 m<sup>2</sup> to under 10,000 m<sup>2</sup>;
- b) The repurposed forest is the protective forest with an area of from 5,000 m<sup>2</sup> to under 7,500 m<sup>2</sup>;
- c) The repurposed forest is the special-use forest with an area of from 3,500 m<sup>2</sup> to under 5,000 m<sup>2</sup>.

7. A fine ranging from VND 80,000,000 to VND 100,000,000 shall be imposed in one of the following circumstances:

- a) The repurposed forest is the production forest with an area of  $\geq 10,000$  m<sup>2</sup>;
- b) The repurposed forest is the protective forest with an area of  $\geq 7,500$  m<sup>2</sup>;
- c) The repurposed forest is the special-use forest with an area of  $\geq 5,000$  m<sup>2</sup>.

### **Article 13. Illegal extraction of forests**

Any entities that extract forest products without permission from competent authorities shall incur penalties. To be specific:

1. Illegal logging in production forests:

a) Illegal logging of timber of common species:

A fine ranging from VND 500,000 to VND 1,000,000 shall be imposed for illegal extraction of less than 0.4 m<sup>3</sup> of timber in a planted forest or less than 0.2 m<sup>3</sup> of timber in a natural forest;

A fine ranging from VND 1,000,000 to VND 5,000,000 shall be imposed for illegal extraction of from 0.4 m<sup>3</sup> to under 01 m<sup>3</sup> of timber in a planted forest or from 0.2 m<sup>3</sup> to under 0.5 m<sup>3</sup> of timber in a natural forest;

A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed for illegal extraction of from 01 m<sup>3</sup> to under 02 m<sup>3</sup> of timber in a planted forest or from 0.5 m<sup>3</sup> to under 01 m<sup>3</sup> of timber in a natural forest;

A fine ranging from VND 10,000,000 to VND 25,000,000 shall be imposed for illegal extraction of from 02 m<sup>3</sup> to under 05 m<sup>3</sup> of timber in a planted forest or from 01 m<sup>3</sup> to under 2.5 m<sup>3</sup> of timber in a natural forest;

A fine ranging from VND 25,000,000 to VND 35,000,000 shall be imposed for illegal extraction of from 05 m<sup>3</sup> to under 07 m<sup>3</sup> of timber in a planted forest or from 2.5 m<sup>3</sup> to under 3.5 m<sup>3</sup> of timber in a natural forest;

A fine ranging from VND 35,000,000 to VND 50,000,000 shall be imposed for illegal extraction of from 07 m<sup>3</sup> to under 10 m<sup>3</sup> of timber in a planted forest or from 3.5 m<sup>3</sup> to under 05 m<sup>3</sup> of timber in a natural forest;

A fine ranging from VND 50,000,000 to VND 70,000,000 shall be imposed for illegal extraction of from 10 m<sup>3</sup> to under 15 m<sup>3</sup> of timber in a planted forest or from 05 m<sup>3</sup> to under 07 m<sup>3</sup> of timber in a natural forest;

A fine ranging from VND 70,000,000 to VND 100,000,000 shall be imposed for illegal extraction of from 15 m<sup>3</sup> to under 20 m<sup>3</sup> of timber in a planted forest or from 07 m<sup>3</sup> to under 10 m<sup>3</sup> of timber in a natural forest.

b) Illegal logging of timber of endangered, rare or precious species in Group IIA:

A fine ranging from VND 1,000,000 to VND 3,000,000 shall be imposed for illegal extraction of less than 0.3 m<sup>3</sup> of timber in a planted forest or less than 0.2 m<sup>3</sup> of timber in a natural forest;

A fine ranging from VND 3,000,000 to VND 7,000,000 shall be imposed for illegal extraction of from 0.3 m<sup>3</sup> to under 0.5 m<sup>3</sup> of timber in a planted forest or from 0.2 m<sup>3</sup> to under 0.4 m<sup>3</sup> of timber in a natural forest;

A fine ranging from VND 7,000,000 to VND 10,000,000 shall be imposed for illegal extraction of from 0.5 m<sup>3</sup> to under 01 m<sup>3</sup> of timber in a planted forest or from 0.4 m<sup>3</sup> to under 0.6 m<sup>3</sup> of timber in a natural forest;

A fine ranging from VND 10,000,000 to VND 25,000,000 shall be imposed for illegal extraction of from 01 m<sup>3</sup> to under 1.5 m<sup>3</sup> of timber in a planted forest or from 0.6 m<sup>3</sup> to under 01 m<sup>3</sup> of timber in a natural forest;

A fine ranging from VND 25,000,000 to VND 35,000,000 shall be imposed for illegal extraction of from 1.5 m<sup>3</sup> to under 02 m<sup>3</sup> of timber in a planted forest or from 01 m<sup>3</sup> to under 1.5 m<sup>3</sup> of timber in a natural forest;

A fine ranging from VND 35,000,000 to VND 50,000,000 shall be imposed for illegal extraction of from 02 m<sup>3</sup> to under 03 m<sup>3</sup> of timber in a planted forest or from 1.5 m<sup>3</sup> to under 02 m<sup>3</sup> of timber in a natural forest;

A fine ranging from VND 50,000,000 to VND 100,000,000 shall be imposed for illegal extraction of from 03 m<sup>3</sup> to under 07 m<sup>3</sup> of timber in a planted forest or from 02 m<sup>3</sup> to under 03 m<sup>3</sup> of timber in a natural forest;

A fine ranging from VND 100,000,000 to VND 150,000,000 shall be imposed for illegal extraction of from 07 m<sup>3</sup> to under 10 m<sup>3</sup> of timber in a planted forest or from 03 m<sup>3</sup> to under 05 m<sup>3</sup> of timber in a natural forest;

A fine ranging from VND 150,000,000 to VND 200,000,000 shall be imposed for illegal extraction of from 10 m<sup>3</sup> to under 15 m<sup>3</sup> of timber in a planted forest or from 05 m<sup>3</sup> to under 07 m<sup>3</sup> of timber in a natural forest.

c) Illegal logging of timber of endangered, rare or precious species in Group IA:

A fine ranging from VND 10,000,000 to VND 25,000,000 shall be imposed for illegal extraction of less than 0.3 m<sup>3</sup> of timber;

A fine ranging from VND 25,000,000 to VND 50,000,000 shall be imposed for illegal extraction of from 0.3 m<sup>3</sup> to under 0.5 m<sup>3</sup> of timber;

A fine ranging from VND 50,000,000 to VND 75,000,000 shall be imposed for illegal extraction of from 0.5 m<sup>3</sup> to under 0.7 m<sup>3</sup> of timber;

A fine ranging from VND 75,000,000 to VND 100,000,000 shall be imposed for illegal extraction of from 0.7 m<sup>3</sup> to under 01 m<sup>3</sup> of timber.

2. Illegal logging in protective forests:

a) Illegal logging of timber of common species:

A fine ranging from VND 1,000,000 to VND 4,000,000 shall be imposed for illegal extraction of less than 0.5 m<sup>3</sup> of timber in a planted forest or less than 0.3 m<sup>3</sup> of timber in a natural forest;

A fine ranging from VND 4,000,000 to VND 8,000,000 shall be imposed for illegal extraction of from 0.5 m<sup>3</sup> to under 01 m<sup>3</sup> of timber in a planted forest or from 0.3 m<sup>3</sup> to under 0.5 m<sup>3</sup> of timber in a natural forest;

A fine ranging from VND 8,000,000 to VND 15,000,000 shall be imposed for illegal extraction of from 01 m<sup>3</sup> to under 02 m<sup>3</sup> of timber in a planted forest or from 0.5 m<sup>3</sup> to under 01 m<sup>3</sup> of timber in a natural forest;

A fine ranging from VND 15,000,000 to VND 25,000,000 shall be imposed for illegal extraction of from 02 m<sup>3</sup> to under 04 m<sup>3</sup> of timber in a planted forest or from 01 m<sup>3</sup> to under 02 m<sup>3</sup> of timber in a natural forest;

A fine ranging from VND 25,000,000 to VND 50,000,000 shall be imposed for illegal extraction of from 04 m<sup>3</sup> to under 06 m<sup>3</sup> of timber in a planted forest or from 02 m<sup>3</sup> to under 03 m<sup>3</sup> of timber in a natural forest;

A fine ranging from VND 50,000,000 to VND 70,000,000 shall be imposed for illegal extraction of from 06 m<sup>3</sup> to under 10 m<sup>3</sup> of timber in a planted forest or from 03 m<sup>3</sup> to under 05 m<sup>3</sup> of timber in a natural forest;

A fine ranging from VND 70,000,000 to VND 100,000,000 shall be imposed for illegal extraction of from 10 m<sup>3</sup> to under 15 m<sup>3</sup> of timber in a planted forest or from 05 m<sup>3</sup> to under 07 m<sup>3</sup> of timber in a natural forest.

b) Illegal logging of timber of endangered, rare or precious species in Group IIA:

A fine ranging from VND 1,000,000 to VND 5,000,000 shall be imposed for illegal extraction of less than 0.3 m<sup>3</sup> of timber in a planted forest or less than 0.2 m<sup>3</sup> of timber in a natural forest;

A fine ranging from VND 5,000,000 to VND 7,000,000 shall be imposed for illegal extraction of from 0.3 m<sup>3</sup> to under 0.6 m<sup>3</sup> of timber in a planted forest or from 0.2 m<sup>3</sup> to under 0.3 m<sup>3</sup> of timber in a natural forest;

A fine ranging from VND 7,000,000 to VND 15,000,000 shall be imposed for illegal extraction of from 0.6 m<sup>3</sup> to under 01 m<sup>3</sup> of timber in a planted forest or from 0.3 m<sup>3</sup> to under 0.5 m<sup>3</sup> of timber in a natural forest;

A fine ranging from VND 15,000,000 to VND 25,000,000 shall be imposed for illegal extraction of from 01 m<sup>3</sup> to under 1.5 m<sup>3</sup> of timber in a planted forest or from 0.5 m<sup>3</sup> to under 0.7 m<sup>3</sup> of timber in a natural forest;

A fine ranging from VND 25,000,000 to VND 50,000,000 shall be imposed for illegal extraction of from 1.5 m<sup>3</sup> to under 02 m<sup>3</sup> of timber in a planted forest or from 0.7 m<sup>3</sup> to under 01 m<sup>3</sup> of timber in a natural forest;

A fine ranging from VND 50,000,000 to VND 70,000,000 shall be imposed for illegal extraction of from 02 m<sup>3</sup> to under 03 m<sup>3</sup> of timber in a planted forest or from 01 m<sup>3</sup> to under 1.5 m<sup>3</sup> of timber in a natural forest;

A fine ranging from VND 70,000,000 to VND 100,000,000 shall be imposed for illegal extraction of from 03 m<sup>3</sup> to under 05 m<sup>3</sup> of timber in a planted forest or from 1.5 m<sup>3</sup> to under 2.5 m<sup>3</sup> of timber in a natural forest;

A fine ranging from VND 100,000,000 to VND 150,000,000 shall be imposed for illegal extraction of from 05 m<sup>3</sup> to under 07 m<sup>3</sup> of timber in a planted forest or from 2.5 m<sup>3</sup> to under 04 m<sup>3</sup> of timber in a natural forest;

A fine ranging from VND 150,000,000 to VND 200,000,000 shall be imposed for illegal extraction of from 07 m<sup>3</sup> to under 10 m<sup>3</sup> of timber in a planted forest or from 04 m<sup>3</sup> to under 05 m<sup>3</sup> of timber in a natural forest.

c) Illegal logging of timber of endangered, rare or precious species in Group IA:

A fine ranging from VND 25,000,000 to VND 50,000,000 shall be imposed for illegal extraction of less than 0.1 m<sup>3</sup> of timber;

A fine ranging from VND 50,000,000 to VND 85,000,000 shall be imposed for illegal extraction of from 0.1 m<sup>3</sup> to under 0.3 m<sup>3</sup> of timber;

A fine ranging from VND 85,000,000 to VND 120,000,000 shall be imposed for illegal extraction of from 0.3 m<sup>3</sup> to under 0.5 m<sup>3</sup> of timber.

3. Illegal logging in special-use forests:

a) Illegal logging of timber of common species:

A fine ranging from VND 1,000,000 to VND 5,000,000 shall be imposed for illegal extraction of less than 0.5 m<sup>3</sup> of timber in a planted forest or less than 0.3 m<sup>3</sup> of timber in a natural forest;

A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed for illegal extraction of from 0.5 m<sup>3</sup> to under 01 m<sup>3</sup> of timber in a planted forest or from 0.3 m<sup>3</sup> to under 0.5 m<sup>3</sup> of timber in a natural forest;

A fine ranging from VND 10,000,000 to VND 25,000,000 shall be imposed for illegal extraction of from 01 m<sup>3</sup> to under 02 m<sup>3</sup> of timber in a planted forest or from 0.5 m<sup>3</sup> to under 01 m<sup>3</sup> of timber in a natural forest;

A fine ranging from VND 25,000,000 to VND 50,000,000 shall be imposed for illegal extraction of from 02 m<sup>3</sup> to under 05 m<sup>3</sup> of timber in a planted forest or from 01 m<sup>3</sup> to under 02 m<sup>3</sup> of timber in a natural forest;

A fine ranging from VND 50,000,000 to VND 100,000,000 shall be imposed for illegal extraction of from 05 m<sup>3</sup> to under 10 m<sup>3</sup> of timber in a planted forest or from 02 m<sup>3</sup> to under 03 m<sup>3</sup> of timber in a natural forest.

b) Illegal logging of timber of endangered, rare or precious species in Group IIA:

A fine ranging from VND 2,000,000 to VND 6,000,000 shall be imposed for illegal extraction of less than 0.3 m<sup>3</sup> of timber in a planted forest;

A fine ranging from VND 6,000,000 to VND 10,000,000 shall be imposed for illegal extraction of from 0.3 m<sup>3</sup> to under 0.5 m<sup>3</sup> of timber in a planted forest or less than 0.2 m<sup>3</sup> of timber in a natural forest;

A fine ranging from VND 10,000,000 to VND 25,000,000 shall be imposed for illegal extraction of from 0.5 m<sup>3</sup> to under 01 m<sup>3</sup> of timber in a planted forest or from 0.2 m<sup>3</sup> to under 0.4 m<sup>3</sup> of timber in a natural forest;

A fine ranging from VND 25,000,000 to VND 50,000,000 shall be imposed for illegal extraction of from 01 m<sup>3</sup> to under 02 m<sup>3</sup> of timber in a planted forest or from 0.4 m<sup>3</sup> to under 0.6 m<sup>3</sup> of timber in a natural forest;

A fine ranging from VND 50,000,000 to VND 70,000,000 shall be imposed for illegal extraction of from 02 m<sup>3</sup> to under 03 m<sup>3</sup> of timber in a planted forest or from 0.6 m<sup>3</sup> to under 0.8 m<sup>3</sup> of timber in a natural forest;

A fine ranging from VND 70,000,000 to VND 100,000,000 shall be imposed for illegal extraction of from 03 m<sup>3</sup> to under 05 m<sup>3</sup> of timber in a planted forest or from 0.8 m<sup>3</sup> to under 01 m<sup>3</sup> of timber in a natural forest.

c) Illegal logging of timber of endangered, rare or precious species in Group IA:

A fine ranging from VND 25,000,000 to VND 50,000,000 shall be imposed for illegal extraction of less than 0.1 m<sup>3</sup> of timber;

A fine ranging from VND 50,000,000 to VND 85,000,000 shall be imposed for illegal extraction of from 0.1 m<sup>3</sup> to under 0.3 m<sup>3</sup> of timber;

A fine ranging from VND 85,000,000 to VND 120,000,000 shall be imposed for illegal extraction of from 0.3 m<sup>3</sup> to under 0.5 m<sup>3</sup> of timber.

4. Illegal extraction of non-timber forest plants:

a) Illegal extraction of non-timber forest plants of common species, anthracite and charcoal:

A fine ranging from VND 500,000 to VND 1,000,000 shall be imposed if the violation causes damage to forest products assessed at < VND 1,000,000;

A fine ranging from VND 1,000,000 to VND 3,000,000 shall be imposed if the violation causes damage to forest products assessed at from VND 1,000,000 to under VND 2,000,000;

A fine ranging from VND 3,000,000 to VND 5,000,000 shall be imposed if the violation causes damage to forest products assessed at from VND 2,000,000 to under VND 3,000,000;

A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed if the violation causes damage to forest products assessed at from VND 3,000,000 to under VND 6,000,000;

A fine ranging from VND 10,000,000 to VND 25,000,000 shall be imposed if the violation causes damage to forest products assessed at from VND 6,000,000 to under VND 15,000,000;

A fine ranging from VND 25,000,000 to VND 50,000,000 shall be imposed if the violation causes damage to forest products assessed at from VND 15,000,000 to under VND 30,000,000;

A fine ranging from VND 50,000,000 to VND 70,000,000 shall be imposed if the violation causes damage to forest products assessed at from VND 30,000,000 to under VND 50,000,000;

A fine ranging from VND 70,000,000 to VND 100,000,000 shall be imposed if the violation causes damage to forest products assessed at from VND 50,000,000 to under VND 70,000,000;

A fine ranging from VND 100,000,000 to VND 125,000,000 shall be imposed if the violation causes damage to forest products assessed at from VND 70,000,000 to under VND 85,000,000;

A fine ranging from VND 125,000,000 to VND 150,000,000 shall be imposed if the violation causes damage to forest products assessed at from VND 85,000,000 to under VND 100,000,000.

b) Illegal extraction of non-timber forest plants of endangered, rare or precious species in Group IIA:

A fine ranging from VND 1,000,000 to VND 2,000,000 shall be imposed if the violation causes damage to forest products assessed at < VND 1,000,000;

A fine ranging from VND 2,000,000 to VND 5,000,000 shall be imposed if the violation causes damage to forest products assessed at from VND 1,000,000 to under VND 2,000,000;

A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed if the violation causes damage to forest products assessed at from VND 2,000,000 to under VND 5,000,000;

A fine ranging from VND 10,000,000 to VND 25,000,000 shall be imposed if the violation causes damage to forest products assessed at from VND 5,000,000 to under VND 10,000,000;

A fine ranging from VND 25,000,000 to VND 50,000,000 shall be imposed if the violation causes damage to forest products assessed at from VND 10,000,000 to under VND 20,000,000;

A fine ranging from VND 50,000,000 to VND 70,000,000 shall be imposed if the violation causes damage to forest products assessed at from VND 20,000,000 to under VND 30,000,000;

A fine ranging from VND 70,000,000 to VND 100,000,000 shall be imposed if the violation causes damage to forest products assessed at from VND 30,000,000 to under VND 50,000,000.

c) Illegal extraction of non-timber forest plants of endangered, rare or precious species in Group IA:

A fine ranging from VND 1,000,000 to VND 2,000,000 shall be imposed if the violation causes damage to forest products assessed at < VND 1,000,000;

A fine ranging from VND 2,000,000 to VND 5,000,000 shall be imposed if the violation causes damage to forest products assessed at from VND 1,000,000 to under VND 2,000,000;

A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed if the violation causes damage to forest products assessed at from VND 2,000,000 to under VND 5,000,000;

A fine ranging from VND 10,000,000 to VND 25,000,000 shall be imposed if the violation causes damage to forest products assessed at from VND 5,000,000 to under VND 10,000,000;

A fine ranging from VND 25,000,000 to VND 50,000,000 shall be imposed if the violation causes damage to forest products assessed at from VND 10,000,000 to under VND 15,000,000;

A fine ranging from VND 50,000,000 to VND 70,000,000 shall be imposed if the violation causes damage to forest products assessed at from VND 15,000,000 to under VND 20,000,000;

A fine ranging from VND 70,000,000 to VND 100,000,000 shall be imposed if the violation causes damage to forest products assessed at from VND 20,000,000 to under VND 30,000,000.

5. In case trees with a diameter of < 8 cm (measured at a height of 1.3 m) are illegally extracted but timber volume cannot be determined, penalties shall be imposed according to the deforested area as regulated in Article 20 hereof; in case scattered individual trees are illegally extracted and deforested area cannot be determined, a fine of VND 100,000 shall be imposed for each tree cut provided that total fine imposed for a violation shall not exceed VND 100,000,000.

6. Penalties specified in Clause 1 of this Article shall be imposed for illegal extraction of trees scattered on fields which originate from natural forests managed by the State, illegal full exploitation of lying timber or illegal collection of timber from river, stream, ponds or lakes in forests.

7. A forest owner who has the forest allocated or leased by the State for commercial purposes as regulated by law but fails to fulfill forest management, protection, development and utilization obligations as defined in Regulations on forest management or fails to carry out inspection for detecting illegal forest harvesting acts shall incur corresponding penalties in Clause 1 or Point a Clause 4 of this Article.

## 8. Additional penalties:

a) Exhibits of violation shall be confiscated in case of commission of any of the violations specified in Clause 1, Clause 2, Clause 3, Clause 4, Clause 5, and Clause 6 of this Article;

b) Devices, tools and petrol chainsaws of various types shall be confiscated in case of commission of any of the violations specified in Clause 1, Clause 2, Clause 3, Clause 4, Clause 5, and Clause 6 of this Article;

c) Vehicle shall be confiscated if it is used for:

Illegal extraction of  $\geq 05 \text{ m}^3$  of timber in a planted forest or  $\geq 2.5 \text{ m}^3$  of timber in a natural forest in case of commission of the violation specified in Point a Clause 1; or  $\geq 04 \text{ m}^3$  of timber in a planted forest or  $\geq 02 \text{ m}^3$  of timber in a natural forest in case of commission of the violation specified in Point a Clause 2; or  $\geq 02 \text{ m}^3$  of timber in a planted forest or  $\geq 01 \text{ m}^3$  of timber in a natural forest in case of commission of the violation specified in Point a Clause 3;

Illegal extraction of  $\geq 02 \text{ m}^3$  of timber in a planted forest or  $\geq 1.5 \text{ m}^3$  of timber in a natural forest in case of commission of the violation specified in Point b Clause 1; or  $\geq 1.5 \text{ m}^3$  of timber in a planted forest or  $\geq 0.7 \text{ m}^3$  of timber in a natural forest in case of commission of the violation specified in Point b of either Clause 2 or Clause 3;

Illegal extraction of  $\geq 0.5 \text{ m}^3$  of timber in case of commission of the violation specified in Point c Clause 1; or  $\geq 0.3 \text{ m}^3$  in case of commission of the violation specified in Point c Clause 2 or Clause 3;

Illegal extraction of non-timber forest products assessed at  $\geq \text{VND } 15,000,000$  in case of commission of the violation specified in Point a Clause 4, or  $\geq \text{VND } 10,000,000$  in case of commission of the violation specified in Point c or Point c Clause 4;

d) Forest harvesting shall be suspended for 06 – 12 months in case the failure to comply with the harvesting plan causes damage as follows: Illegal extraction of  $\geq 05 \text{ m}^3$  of timber in case of the violation specified in Point a Clause 1, or  $\geq 03 \text{ m}^3$  of timber in case of the violation specified in Point a Clause 2, or  $\geq 02 \text{ m}^3$  of timber in case of the violation specified in Point a Clause 3; illegal extraction of  $\geq 03 \text{ m}^3$  of timber in case of the violation specified in Point b Clause 1, or  $\geq 1.5 \text{ m}^3$  of timber in case of the violation specified in Point b Clause 2, or  $\geq 01 \text{ m}^3$  of timber in case of the violation specified in Point b Clause 3; illegal extraction of  $\geq 0.3 \text{ m}^3$  of timber in case of the violation specified in Point c of Clause 1, Clause 2, or Clause 3.

## 9. Remedial measures:

The violator is compelled to transfer illegal benefits obtained from the administrative violation or an amount of money equivalent to the value of the exhibits and/or instrumentalities of the administrative violation which have been sold, liquidated, hidden or destroyed inconsistently with the law in case of commission of any of the violations specified in Clause 1, Clause 2, Clause 3, Clause 4, Clause 5 and Clause 6 of this Article.

## **Section 2. VIOLATIONS AGAINST REGULATIONS ON FOREST DEVELOPMENT AND PROTECTION**

### **Article 14. Violations against regulations on major forest tree cultivars**

1. The following penalties shall be imposed for trading of major forest tree seeds originating from a seed source of which the recognition decision has been invalidated or the one which has not yet been recognized by a competent authority:

a) A fine ranging from VND 10,000,000 to VND 15,000,000 shall be imposed for the violation involving a quantity of < 05 kg of tree seeds;

b) A fine ranging from VND 15,000,000 to VND 25,000,000 shall be imposed for the violation involving a quantity of  $\geq$  05 kg of tree seeds.

2. The following penalties shall be imposed for trading of major forest plant breeds propagated from a cultivar or cultivar source of which the recognition decision has been invalidated or the one which has not yet been recognized by a competent authority:

a) A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed if the cultivar lot is assessed at from VND 10,000,000 to under VND 20,000,000;

b) A fine ranging from VND 10,000,000 to VND 15,000,000 shall be imposed if the cultivar lot is assessed at from VND 20,000,000 to under VND 30,000,000;

c) A fine ranging from VND 15,000,000 to VND 20,000,000 shall be imposed if the cultivar lot is assessed at from VND 30,000,000 to under VND 40,000,000;

d) A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed if the cultivar lot is assessed at from VND 40,000,000 to under VND 60,000,000;

dd) A fine ranging from VND 30,000,000 to VND 40,000,000 shall be imposed if the cultivar lot is assessed at from VND 60,000,000 to under VND 80,000,000;

e) A fine ranging from VND 40,000,000 to VND 50,000,000 shall be imposed if the cultivar lot is assessed at  $\geq$  VND 80,000,000.

3. Remedial measures:

The violator is compelled to destroy the forest tree seed lots or cultivar lots in case of commission of any of the violations specified in Clause 1 and Clause 2 of this Article.

### **Article 15. Violations against regulations on alternative afforestation**

The following penalties shall be imposed for delaying the implementation of the alternative afforestation plan approved by a competent authority:

1. A fine ranging from VND 1,000,000 to VND 5,000,000 shall be imposed for delaying the alternative afforestation for over 01 year with an area of < 01 ha.
2. A fine ranging from VND 5,000,000 to VND 15,000,000 shall be imposed for commission of one of the following violations:
  - a) Delaying the alternative afforestation for over 01 year with an area of from 01 ha to under 03 ha;
  - b) Delaying the alternative afforestation for over 02 years with an area of < 01 ha.
3. A fine ranging from VND 15,000,000 to VND 25,000,000 shall be imposed for commission of one of the following violations:
  - a) Delaying the alternative afforestation for over 01 year with an area of from 03 ha to under 05 ha;
  - b) Delaying the alternative afforestation for over 02 years with an area of from 01 ha to under 03 ha.
4. A fine ranging from VND 25,000,000 to VND 50,000,000 shall be imposed for commission of one of the following violations:
  - a) Delaying the alternative afforestation for over 01 year with an area of from 05 ha to under 08 ha;
  - b) Delaying the alternative afforestation for over 02 years with an area of from 03 ha to under 05 ha;
  - c) Delaying the alternative afforestation for over 03 years with an area of < 01 ha.
5. A fine ranging from VND 50,000,000 to VND 75,000,000 shall be imposed for commission of one of the following violations:
  - a) Delaying the alternative afforestation for over 01 year with an area of from 08 ha to under 15 ha;
  - b) Delaying the alternative afforestation for over 02 years with an area of from 05 ha to under 10 ha;
  - c) Delaying the alternative afforestation for over 03 years with an area of from 01 ha to under 05 ha.
6. A fine ranging from VND 75,000,000 to VND 100,000,000 shall be imposed for commission of one of the following violations:

a) Delaying the alternative afforestation for over 01 year with an area of from 15 ha to under 25 ha;

b) Delaying the alternative afforestation for over 02 years with an area of from 10 ha to under 15 ha;

c) Delaying the alternative afforestation for over 03 years with an area of from 05 ha to under 07 ha.

7. A fine ranging from VND 100,000,000 to VND 125,000,000 shall be imposed for commission of one of the following violations:

a) Delaying the alternative afforestation for over 01 year with an area of from 25 ha to under 30 ha;

b) Delaying the alternative afforestation for over 02 years with an area of from 15 ha to under 20 ha;

c) Delaying the alternative afforestation for over 03 years with an area of from 07 ha to under 10 ha.

8. A fine ranging from VND 125,000,000 to VND 150,000,000 shall be imposed for commission of one of the following violations:

a) Delaying the alternative afforestation for over 01 year with an area of from 30 ha to under 35 ha;

b) Delaying the alternative afforestation for over 02 years with an area of from 20 ha to under 25 ha;

c) Delaying the alternative afforestation for over 03 years with an area of from 10 ha to under 15 ha.

9. A fine ranging from VND 150,000,000 to VND 175,000,000 shall be imposed for commission of one of the following violations:

a) Delaying the alternative afforestation for over 01 year with an area of from 35 ha to under 40 ha;

b) Delaying the alternative afforestation for over 02 years with an area of from 25 ha to under 30 ha;

c) Delaying the alternative afforestation for over 03 years with an area of from 15 ha to under 20 ha.

10. A fine ranging from VND 175,000,000 to VND 200,000,000 shall be imposed for commission of one of the following violations:

- a) Delaying the alternative afforestation for over 01 year with an area of from 40 ha to under 45 ha;
- b) Delaying the alternative afforestation for over 02 years with an area of from 30 ha to under 35 ha;
- c) Delaying the alternative afforestation for over 03 years with an area of from 20 ha to under 25 ha.

11. A fine ranging from VND 200,000,000 to VND 225,000,000 shall be imposed for commission of one of the following violations:

- a) Delaying the alternative afforestation for over 01 year with an area of from 45 ha to under 50 ha;
- b) Delaying the alternative afforestation for over 02 years with an area of from 35 ha to under 40 ha;
- c) Delaying the alternative afforestation for over 03 years with an area of from 25 ha to under 30 ha.

12. A fine ranging from VND 225,000,000 to VND 250,000,000 shall be imposed for commission of one of the following violations:

- a) Delaying the alternative afforestation for over 01 year with an area of from 50 ha to under 55 ha;
- b) Delaying the alternative afforestation for over 02 years with an area of from 40 ha to under 45 ha;
- c) Delaying the alternative afforestation for over 03 years with an area of from 30 ha to under 35 ha.

13. A fine ranging from VND 250,000,000 to VND 275,000,000 shall be imposed for commission of one of the following violations:

- a) Delaying the alternative afforestation for over 01 year with an area of from 55 ha to under 60 ha;
- b) Delaying the alternative afforestation for over 02 years with an area of from 45 ha to under 50 ha;

c) Delaying the alternative afforestation for over 03 years with an area of from 35 ha to under 40 ha.

14. A fine ranging from VND 275,000,000 to VND 300,000,000 shall be imposed for commission of one of the following violations:

a) Delaying the alternative afforestation for over 01 year with an area of from 60 ha to under 65 ha;

b) Delaying the alternative afforestation for over 02 years with an area of from 50 ha to under 55 ha;

c) Delaying the alternative afforestation for over 03 years with an area of from 40 ha to under 45 ha.

15. A fine ranging from VND 300,000,000 to VND 325,000,000 shall be imposed for commission of one of the following violations:

a) Delaying the alternative afforestation for over 01 year with an area of from 65 ha to under 70 ha;

b) Delaying the alternative afforestation for over 02 years with an area of from 55 ha to under 60 ha;

c) Delaying the alternative afforestation for over 03 years with an area of from 45 ha to under 50 ha.

16. A fine ranging from VND 325,000,000 to VND 350,000,000 shall be imposed for commission of one of the following violations:

a) Delaying the alternative afforestation for over 01 year with an area of from 70 ha to under 75 ha;

b) Delaying the alternative afforestation for over 02 years with an area of from 60 ha to under 65 ha;

c) Delaying the alternative afforestation for over 03 years with an area of from 50 ha to under 55 ha.

17. A fine ranging from VND 350,000,000 to VND 375,000,000 shall be imposed for commission of one of the following violations:

a) Delaying the alternative afforestation for over 01 year with an area of from 75 ha to under 80 ha;

b) Delaying the alternative afforestation for over 02 years with an area of from 65 ha to under 70 ha;

c) Delaying the alternative afforestation for over 03 years with an area of from 55 ha to under 60 ha.

18. A fine ranging from VND 375,000,000 to VND 400,000,000 shall be imposed for commission of one of the following violations:

a) Delaying the alternative afforestation for over 01 year with an area of from 80 ha to under 85 ha;

b) Delaying the alternative afforestation for over 02 years with an area of from 70 ha to under 75 ha;

c) Delaying the alternative afforestation for over 03 years with an area of from 60 ha to under 65 ha.

19. A fine ranging from VND 400,000,000 to VND 425,000,000 shall be imposed for commission of one of the following violations:

a) Delaying the alternative afforestation for over 01 year with an area of from 85 ha to under 90 ha;

b) Delaying the alternative afforestation for over 02 years with an area of from 75 ha to under 80 ha;

c) Delaying the alternative afforestation for over 03 years with an area of from 65 ha to under 70 ha.

20. A fine ranging from VND 425,000,000 to VND 450,000,000 shall be imposed for commission of one of the following violations:

a) Delaying the alternative afforestation for over 01 year with an area of from 90 ha to under 95 ha;

b) Delaying the alternative afforestation for over 02 years with an area of from 80 ha to under 85 ha;

c) Delaying the alternative afforestation for over 03 years with an area of from 70 ha to under 75 ha.

21. A fine ranging from VND 450,000,000 to VND 475,000,000 shall be imposed for commission of one of the following violations:

- a) Delaying the alternative afforestation for over 01 year with an area of from 95 ha to under 100 ha;
- b) Delaying the alternative afforestation for over 02 years with an area of from 85 ha to under 90 ha;
- c) Delaying the alternative afforestation for over 03 years with an area of from 75 ha to under 80 ha.

22. A fine ranging from VND 475,000,000 to VND 500,000,000 shall be imposed for commission of one of the following violations:

- a) Delaying the alternative afforestation for over 01 year with an area of  $\geq 100$  ha;
- b) Delaying the alternative afforestation for over 02 years with an area of  $\geq 90$  ha;
- c) Delaying the alternative afforestation for over 03 years with an area of  $\geq 80$  ha.

23. Remedial measures:

The violator is compelled to carry out reforestation or make payment of reforestation cost according to the standard afforestation investment applicable by local government at the time of committing the violation in case of commission of any of the violations specified in Clause 1 through 22 of this Article.

#### **Article 16. Violations against the State general regulations on forest protection**

1. A fine ranging from VND 100,000 to VND 300,000 shall be imposed for commission of one of the following violations:

- a) The forest owner fails to submit reports on changes in allocated land area to competent authorities as prescribed by law;
- b) The forest owner fails to submit periodical and ad hoc reports on forest fire prevention and fighting as prescribed by law;
- c) The forest owner fails to promptly inform competent authorities of changes related to the safety of forest fire prevention and fighting.

2. A fine ranging from VND 300,000 to VND 500,000 shall be imposed for commission of one of the following violations:

- a) The forest owner fails to comply with regulations, internal rules, safety conditions and/or measures for forest fire prevention and fighting announced by competent authorities;

b) The forest owner fails to develop and promulgate regulations, internal rules and measures for forest fire prevention and fighting in the forest area under his management;

c) The forest owner fails to organize dissemination of laws and knowledge about forest fire prevention and fighting;

d) The forest owner fails to provide necessary tools and equipment for forest fire prevention and fighting;

dd) The forest owner fails to reforest in the next season after clearcutting of a forest area of < 01 ha.

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

a) Using less than 10 devices for trapping or catching forest animals in no-hunting areas;

b) Bringing working animals into a forest to draw devices and equipment for extraction of timber and non-timber forest plants;

c) Pasturing cattle, poultry or domestic animals within the strictly protected area of a special-use forest;

d) Setting up camps or tents in a special-use forest without permission from the forest owner;

dd) The forest owner fails to reforest in the next season after clearcutting of a forest area of from 01 ha to under 03 ha.

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

a) Organizing scientific research, education or training activities or collection of specimens/genetic resources in a forest without permission from the forest owner;

b) Using 10 devices or more for trapping or catching forest animals in no-hunting areas;

c) Using hunting devices in no-hunting forests; bringing domestic animals into the forest for hunting/catching forest animals without permission from the forest owner;

d) Bringing vehicles/devices into the strictly protected area of a special-use forest without permission from the forest owner;

dd) Carrying out advertising for trading forest plants, forest animals and their products inconsistently with law;

e) Pasturing cattle, poultry or domestic animals in a newly afforested area which requires care;

g) The forest owner fails to reforest in the next season after clearcutting of a forest area of from 03 ha to under 10 ha.

5. A fine ranging from VND 1,500,000 to VND 3,000,000 shall be imposed for commission of one of the following violations:

- a) Illegal use of fire in the strictly protected area of a special-use forest;
- b) Making/using fire for hunting or catching forest animals, collecting honey or war scrap items;
- c) Failure to organize training in forest fire prevention and fighting;
- d) Failure to provide adequate funding for forest fire prevention and fighting in accordance with applicable regulations of the State;
- dd) Failure to ensure fire safety when using fire or heat sources at works, construction sites or buildings to be built in a forest as regulated;
- e) Failure to comply with regulations on controlled burning for the purposes of preparing land for planting new trees and reducing flammable materials in forests;
- g) Illegally bringing waste, toxic chemicals, explosives, flammable or ignitable chemicals into a forest; illegally building coal burning stoves/furnaces in a forest;
- h) The forest owner fails to reforest in the next season after clearcutting of a forest area of  $\geq 10$  ha.

6. A fine ranging from VND 2,000,000 to VND 5,000,000 shall be imposed upon the owner of the forest which is allocated or leased by the State for commission of one of the following violations:

- a) Failure to develop forest fire prevention and fighting plan or failure to build structures or systems serving the forest fire prevention and fighting;
- b) Failure to maintain the minimum volume of water stored for forest fire prevention and fighting in channels, ditches, storage tanks, dams or reservoirs in the dry season;
- c) Failure to organize patrols or watch posts for preventing forest fire in his forest area in case of a fire danger of level III or higher;
- d) Illegally raising or spreading animals or plants of invasive species in a special-use forest.

7. A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed upon the forest owner for failure to establish, manage and maintain the operation of forest firefighting teams or crews.

## 8. Additional penalties:

Devices/tools shall be confiscated in case of commission of any of the violations specified in Clause 3 and Clause 4 of this Article.

## 9. Remedial measures:

a) The violator is compelled to restore the original condition which is changed by the violation specified in Point d Clause 3 of this Article;

b) The violator is compelled to bring waste, toxic chemicals, explosives, flammable or ignitable chemicals out of the forest in case of commission of the violation specified in Point g Clause 5 of this Article;

c) The violator is compelled to implement measures for controlling the environmental pollution and the spread of epidemics in case of commission of the violation specified in Point d Clause 6 of this Article;

d) The violator is compelled to reforest in the next season in case of commission of any of the violations specified in Point dd Clause 2, Point dd Clause 3, Point g Clause 4 and Point h Clause 5 of this Article.

10. If any violation specified in this Article causes damage to the forest or forest products, the violator shall also incur the penalties prescribed in Article 13, Article 17, Article 20, Article 21 or Article 22 hereof.

## **Article 17. Violations against regulations on forest fire prevention and fighting resulting in forest fire**

Penalties shall be imposed for commission of violations against regulations on forest fire prevention and fighting resulting in forest fire. To be specific:

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

a) The violation involves an immature forest or regenerating forest without reserve volume classified as production forest, protective forest or special-use forest and having an area of < 500 m<sup>2</sup>;

b) The violation involves the production forest with an area of < 400 m<sup>2</sup>;

c) The violation involves the protective forest with an area of < 200 m<sup>2</sup>;

d) The violation involves the special-use forest with an area of < 50 m<sup>2</sup>;

dd) The violation causes damage to forest products assessed at < VND 2,000,000 in case the damaged forest area cannot be determined.

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

a) The violation involves the immature forest or regenerating forest without reserve volume classified as production forest, protective forest or special-use forest and having an area of from 500 m<sup>2</sup> to under 1,500 m<sup>2</sup>;

b) The violation involves the production forest with an area of from 400 m<sup>2</sup> to under 600 m<sup>2</sup>;

c) The violation involves the protective forest with an area of from 200 m<sup>2</sup> to under 400 m<sup>2</sup>;

d) The violation involves the special-use forest with an area of from 50 m<sup>2</sup> to under 100 m<sup>2</sup>;

dd) The violation causes damage to forest products assessed at from VND 2,000,000 to under VND 5,000,000 in case the damaged forest area cannot be determined.

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

a) The violation involves the immature forest or regenerating forest without reserve volume classified as production forest, protective forest or special-use forest and having an area of from 1,500 m<sup>2</sup> to under 5,000 m<sup>2</sup>;

b) The violation involves the production forest with an area of from 600 m<sup>2</sup> to under 800 m<sup>2</sup>;

c) The violation involves the protective forest with an area of from 400 m<sup>2</sup> to under 600 m<sup>2</sup>;

d) The violation involves the special-use forest with an area of from 100 m<sup>2</sup> to under 200 m<sup>2</sup>;

dd) The violation causes damage to forest products assessed at from VND 5,000,000 to under VND 10,000,000 in case the damaged forest area cannot be determined.

4. A fine ranging from VND 10,000,000 to VND 25,000,000 shall be imposed in one of the following circumstances:

a) The violation involves the immature forest or regenerating forest without reserve volume classified as production forest, protective forest or special-use forest and having an area of from 5,000 m<sup>2</sup> to under 10,000 m<sup>2</sup>;

b) The violation involves the production forest with an area of from 800 m<sup>2</sup> to under 1,000 m<sup>2</sup>;

c) The violation involves the protective forest with an area of from 600 m<sup>2</sup> to under 800 m<sup>2</sup>;

d) The violation involves the special-use forest with an area of from 200 m<sup>2</sup> to under 300 m<sup>2</sup>;

dd) The violation causes damage to forest products assessed at from VND 10,000,000 to under VND 25,000,000 in case the damaged forest area cannot determined.

5. A fine ranging from VND 25,000,000 to VND 40,000,000 shall be imposed in one of the following circumstances:

a) The violation involves the immature forest or regenerating forest without reserve volume classified as production forest, protective forest or special-use forest and having an area of from 10,000 m<sup>2</sup> to under 15,000 m<sup>2</sup>;

b) The violation involves the production forest with an area of from 1,000 m<sup>2</sup> to under 1,500 m<sup>2</sup>;

c) The violation involves the protective forest with an area of from 800 m<sup>2</sup> to under 1,000 m<sup>2</sup>;

d) The violation involves the special-use forest with an area of from 300 m<sup>2</sup> to under 500 m<sup>2</sup>;

dd) The violation causes damage to forest products assessed at from VND 25,000,000 to under VND 40,000,000 in case the damaged forest area cannot determined.

6. A fine ranging from VND 40,000,000 to VND 60,000,000 shall be imposed in one of the following circumstances:

a) The violation involves the immature forest or regenerating forest without reserve volume classified as production forest, protective forest or special-use forest and having an area of from 15,000 m<sup>2</sup> to under 20,000 m<sup>2</sup>;

b) The violation involves the production forest with an area of from 1,500 m<sup>2</sup> to under 2,500 m<sup>2</sup>;

c) The violation involves the protective forest with an area of from 1,000 m<sup>2</sup> to under 1,500 m<sup>2</sup>;

d) The violation involves the special-use forest with an area of from 500 m<sup>2</sup> to under 700 m<sup>2</sup>;

dd) The violation causes damage to forest products assessed at from VND 40,000,000 to under VND 60,000,000 in case the damaged forest area cannot determined.

7. A fine ranging from VND 60,000,000 to VND 80,000,000 shall be imposed in one of the following circumstances:

a) The violation involves the immature forest or regenerating forest without reserve volume classified as production forest, protective forest or special-use forest and having an area of from 20,000 m<sup>2</sup> to under 25,000 m<sup>2</sup>;

b) The violation involves the production forest with an area of from 2,500 m<sup>2</sup> to under 3,500 m<sup>2</sup>;

- c) The violation involves the protective forest with an area of from 1,500 m<sup>2</sup> to under 2,500 m<sup>2</sup>;
- d) The violation involves the special-use forest with an area of from 700 m<sup>2</sup> to under 900 m<sup>2</sup>;
- dd) The violation causes damage to forest products assessed at from VND 60,000,000 to under VND 80,000,000 in case the damaged forest area cannot be determined.

8. A fine ranging from VND 80,000,000 to VND 100,000,000 shall be imposed in one of the following circumstances:

- a) The violation involves the immature forest or regenerating forest without reserve volume classified as production forest, protective forest or special-use forest and having an area of from 25,000 m<sup>2</sup> to under 30,000 m<sup>2</sup>;
- b) The violation involves the production forest with an area of from 3,500 m<sup>2</sup> to under 5,000 m<sup>2</sup>;
- c) The violation involves the protective forest with an area of from 2,500 m<sup>2</sup> to under 3,000 m<sup>2</sup>;
- d) The violation involves the special-use forest with an area of from 900 m<sup>2</sup> to under 1,000 m<sup>2</sup>;
- dd) The violation causes damage to forest products assessed at from VND 80,000,000 to under VND 100,000,000 in case the damaged forest area cannot be determined.

9. Remedial measures:

The violator is compelled to implement measures for controlling the environmental pollution and the spread of epidemics; carry out reforestation or make payment of reforestation cost according to the standard afforestation investment applicable by local government at the time of committing the violation in case of commission of any of the violations specified in Clause 1 through 8 of this Article.

10. Penalties in Article 20 hereof shall be imposed for deliberate acts of arson or intentional fires to forest.

### **Article 18. Violations against regulations on forest pest management and control**

1. A fine ranging from VND 1,000,000 to VND 5,000,000 shall be imposed upon the forest owner for failure to adopt methods for preventing and controlling forest pests as prescribed by law or failure to implement measures for killing serious pests upon detection resulting in the spread of epidemics over an area of < 01 ha of allocated or leased forest.

2. A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed upon the forest owner for failure to adopt methods for preventing and controlling forest pests as prescribed by law or failure to implement measures for killing serious pests upon detection resulting in the spread of epidemics over an area of from 01 ha to under 05 ha of allocated or leased forest.

3. A fine ranging from VND 10,000,000 to VND 25,000,000 shall be imposed upon the forest owner for failure to inform competent authorities of detecting forest pests in the allocated or leased forest area for receiving guidelines and assistance in controlling/zoning for forest pests resulting in the spread of epidemics over a forest area of  $\geq 05$  ha.

4. Remedial measures:

The violator is compelled to implement measures for controlling the environmental pollution and the spread of epidemics in case of commission of any of the violations specified in Clause 1 through 3 of this Article.

#### **Article 19. Destruction of works serving forest protection and development**

1. A fine ranging from VND 500,000 to VND 1,000,000 shall be imposed for one of the following violations: Writing, drawing or erasing information and/or images on safety signs, warning signs or boards containing forest protection-related information.

2. A fine ranging from VND 1,000,000 to VND 5,000,000 shall be imposed for removal of warning signs, prohibition signs or guidance signs that contain forest protection-related information.

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

a) Destroying forest roads or paths dedicated to forest patrols;

b) Destroying firebreaks, channels, ditches, drains or dams preventing water flows or tanks or reservoirs storing water serving forest firefighting;

c) Destroying fences or boundary markers of forests, forest sub-zones, plots and lots.

4. A fine ranging from VND 10,000,000 to VND 25,000,000 shall be imposed for one of the following violations: Destroying boards containing forest protection-related information, fire towers, working places, assets and vehicles serving the patrolling of forests; destroying other works serving the forest protection and development.

5. Remedial measures:

The violator is compelled to restore the original condition which is changed by any of the violations specified in Clause 1 through 4 of this Article.

#### **Article 20. Forest destruction**

The following penalties shall be imposed for cutting, burning or destroying forest trees; digging, excavating or blasting; damming or preventing water flows; discharging toxic chemicals or other

acts causing damage to the forest for any purposes (except the violations specified in Article 13 hereof) without permission from competent authorities:

1. A fine ranging from VND 3,000,000 to VND 7,000,000 shall be imposed in one of the following circumstances:

a) The violation involves an immature forest or regenerating forest without reserve volume classified as production forest, protective forest or special-use forest and having an area of < 3,000 m<sup>2</sup>;

b) The violation involves the production forest with an area of < 500 m<sup>2</sup>;

c) The violation involves the protective forest with an area of < 300 m<sup>2</sup>;

d) The violation involves the special-use forest with an area of < 100 m<sup>2</sup>;

dd) The violation involves forest plants of common species assessed at < VND 5,000,000, or forest plants of endangered, rare or precious species in Group IIA assessed at < VND 4,000,000, or forest plants of endangered, rare or precious species in Group IA assessed at < VND 3,000,000 in case the damaged forest area cannot be determined.

2. A fine ranging from VND 7,000,000 to VND 15,000,000 shall be imposed in one of the following circumstances:

a) The violation involves the immature forest or regenerating forest without reserve volume classified as production forest, protective forest or special-use forest and having an area of from 3,000 m<sup>2</sup> to under 6,000 m<sup>2</sup>;

b) The violation involves the production forest with an area of from 500 m<sup>2</sup> to under 1,000 m<sup>2</sup>;

c) The violation involves the protective forest with an area of from 300 m<sup>2</sup> to under 600 m<sup>2</sup>;

d) The violation involves the special-use forest with an area of from 100 m<sup>2</sup> to under 200 m<sup>2</sup>;

dd) The violation involves forest plants of common species assessed at from VND 5,000,000 to under VND 10,000,000, or forest plants of endangered, rare or precious species in Group IIA assessed at from VND 4,000,000 to under VND 7,000,000, or forest plants of endangered, rare or precious species in Group IA assessed at from VND 3,000,000 to under VND 5,000,000 in case the damaged forest area cannot be determined.

3. A fine ranging from VND 15,000,000 to VND 25,000,000 shall be imposed in one of the following circumstances:

a) The violation involves the immature forest or regenerating forest without reserve volume classified as production forest, protective forest or special-use forest and having an area of from 6,000 m<sup>2</sup> to under 9,000 m<sup>2</sup>;

- b) The violation involves the production forest with an area of from 1,000 m<sup>2</sup> to under 1,500 m<sup>2</sup>;
- c) The violation involves the protective forest with an area of from 600 m<sup>2</sup> to under 900 m<sup>2</sup>;
- d) The violation involves the special-use forest with an area of from 200 m<sup>2</sup> to under 300 m<sup>2</sup>;
- dd) The violation involves forest plants of common species assessed at from VND 10,000,000 to under VND 20,000,000, or forest plants of endangered, rare or precious species in Group IIA assessed at from VND 7,000,000 to under VND 10,000,000, or forest plants of endangered, rare or precious species in Group IA assessed at from VND 5,000,000 to under VND 7,000,000 in case the damaged forest area cannot be determined.

4. A fine ranging from VND 25,000,000 to VND 50,000,000 shall be imposed in one of the following circumstances:

- a) The violation involves the immature forest or regenerating forest without reserve volume classified as production forest, protective forest or special-use forest and having an area of from 9,000 m<sup>2</sup> to under 12,000 m<sup>2</sup>;
- b) The violation involves the production forest with an area of from 1,500 m<sup>2</sup> to under 2,000 m<sup>2</sup>;
- c) The violation involves the protective forest with an area of from 900 m<sup>2</sup> to under 1,200 m<sup>2</sup>;
- d) The violation involves the special-use forest with an area of from 300 m<sup>2</sup> to under 400 m<sup>2</sup>;
- dd) The violation involves forest plants of common species assessed at from VND 20,000,000 to under VND 30,000,000, or forest plants of endangered, rare or precious species in Group IIA assessed at from VND 10,000,000 to under VND 20,000,000, or forest plants of endangered, rare or precious species in Group IA assessed at from VND 7,000,000 to under VND 10,000,000 in case the damaged forest area cannot be determined.

5. A fine ranging from VND 50,000,000 to VND 75,000,000 shall be imposed in one of the following circumstances:

- a) The violation involves the immature forest or regenerating forest without reserve volume classified as production forest, protective forest or special-use forest and having an area of from 12,000 m<sup>2</sup> to under 15,000 m<sup>2</sup>;
- b) The violation involves the production forest with an area of from 2,000 m<sup>2</sup> to under 2,500 m<sup>2</sup>;
- c) The violation involves the protective forest with an area of from 1,200 m<sup>2</sup> to under 1,500 m<sup>2</sup>;
- d) The violation involves the special-use forest with an area of from 400 m<sup>2</sup> to under 500 m<sup>2</sup>;
- dd) The violation involves forest plants of common species assessed at from VND 30,000,000 to under VND 40,000,000, or forest plants of endangered, rare or precious species in Group IIA

assessed at from VND 20,000,000 to under VND 30,000,000, or forest plants of endangered, rare or precious species in Group IA assessed at from VND 10,000,000 to under VND 15,000,000 in case the damaged forest area cannot be determined.

6. A fine ranging from VND 75,000,000 to VND 100,000,000 shall be imposed in one of the following circumstances:

a) The violation involves the immature forest or regenerating forest without reserve volume classified as production forest, protective forest or special-use forest and having an area of from 15,000 m<sup>2</sup> to under 18,000 m<sup>2</sup>;

b) The violation involves the production forest with an area of from 2,500 m<sup>2</sup> to under 3,000 m<sup>2</sup>;

c) The violation involves the protective forest with an area of from 1,500 m<sup>2</sup> to under 1,800 m<sup>2</sup>;

d) The violation involves the special-use forest with an area of from 500 m<sup>2</sup> to under 600 m<sup>2</sup>;

dd) The violation involves forest plants of common species assessed at from VND 40,000,000 to under VND 50,000,000, or forest plants of endangered, rare or precious species in Group IIA assessed at from VND 30,000,000 to under VND 40,000,000, or forest plants of endangered, rare or precious species in Group IA assessed at from VND 15,000,000 to under VND 20,000,000 in case the damaged forest area cannot be determined.

7. A fine ranging from VND 100,000,000 to VND 125,000,000 shall be imposed in one of the following circumstances:

a) The violation involves the immature forest or regenerating forest without reserve volume classified as production forest, protective forest or special-use forest and having an area of from 18,000 m<sup>2</sup> to under 21,000 m<sup>2</sup>;

b) The violation involves the production forest with an area of from 3,000 m<sup>2</sup> to under 3,500 m<sup>2</sup>;

c) The violation involves the protective forest with an area of from 1,800 m<sup>2</sup> to under 2,100 m<sup>2</sup>;

d) The violation involves the special-use forest with an area of from 600 m<sup>2</sup> to under 700 m<sup>2</sup>.

8. A fine ranging from VND 125,000,000 to VND 150,000,000 shall be imposed in one of the following circumstances:

a) The violation involves the immature forest or regenerating forest without reserve volume classified as production forest, protective forest or special-use forest and having an area of from 21,000 m<sup>2</sup> to under 24,000 m<sup>2</sup>;

b) The violation involves the production forest with an area of from 3,500 m<sup>2</sup> to under 4,000 m<sup>2</sup>;

c) The violation involves the protective forest with an area of from 2,100 m<sup>2</sup> to under 2,400 m<sup>2</sup>;

d) The violation involves the special-use forest with an area of from 700 m<sup>2</sup> to under 800 m<sup>2</sup>.

9. A fine ranging from VND 150,000,000 to VND 175,000,000 shall be imposed in one of the following circumstances:

a) The violation involves the immature forest or regenerating forest without reserve volume classified as production forest, protective forest or special-use forest and having an area of from 24,000 m<sup>2</sup> to under 27,000 m<sup>2</sup>;

b) The violation involves the production forest with an area of from 4,000 m<sup>2</sup> to under 4,500 m<sup>2</sup>;

c) The violation involves the protective forest with an area of from 2,400 m<sup>2</sup> to under 2,700 m<sup>2</sup>;

d) The violation involves the special-use forest with an area of from 800 m<sup>2</sup> to under 900 m<sup>2</sup>.

10. A fine ranging from VND 175,000,000 to VND 200,000,000 shall be imposed in one of the following circumstances:

a) The violation involves the immature forest or regenerating forest without reserve volume classified as production forest, protective forest or special-use forest and having an area of from 27,000 m<sup>2</sup> to under 30,000 m<sup>2</sup>;

b) The violation involves the production forest with an area of from 4,500 m<sup>2</sup> to under 5,000 m<sup>2</sup>;

c) The violation involves the protective forest with an area of from 2,700 m<sup>2</sup> to under 3,000 m<sup>2</sup>;

d) The violation involves the special-use forest with an area of from 900 m<sup>2</sup> to under 1,000 m<sup>2</sup>.

11. In case of starving trees, drilling into the tree's trunk, killing trees by injecting chemicals, grinding stumps or pouring chemicals into the root zone of trees with the aims of adversely affecting the growth of forest trees, a fine of VND 100,000 shall be imposed for each tree with a diameter of < 8 cm (measured at a height of 1.3 m) provided that total fine imposed for a violation shall not exceed VND 200,000,000.

12. A forest owner who has the forest allocated or leased by the State for commercial purposes as regulated by law but fails to fulfill forest management, protection, development and utilization obligations as defined in Regulations on forest management or fails to carry out inspection for detecting illegal forest harvesting acts shall incur corresponding penalties specified in Point b Clause 1, Point b Clause 2, Point b Clause 3, Point b Clause 4, Point b Clause 5, Point b Clause 6, Point b Clause 7, Point b Clause 8, Point b Clause 9 or Point b Clause 10 of this Article.

13. Additional penalties:

Exhibits, devices and vehicles shall be confiscated in case of commission of any of the violations specified in Clause 1 – 10 of this Article.

#### 14. Remedial measures:

The violator is compelled to restore the original condition; implement measures for controlling the environmental pollution and the spread of epidemics; transfer illegal benefits obtained from the administrative violation or an amount of money equivalent to the value of the exhibits and/or instrumentalities of the administrative violation which have been sold, liquidated, hidden or destroyed inconsistently with the law; carry out reforestation or make payment of reforestation cost according to the standard afforestation investment applicable by local government at the time of committing the violation in case of commission of any of the violations specified in Clause 1 through 10 of this Article.

#### **Article 21. Violations against regulations on forest animal protection**

The following penalties shall be imposed for illegally hunting, catching, killing or imparking forest animals.

1. A fine ranging from VND 5,000,000 to VND 15,000,000 shall be imposed in one of the following circumstances:

- a) The violation involves forest animals of common species assessed at < VND 10,000,000;
- b) The violation involves endangered, rare and precious animals of Group IIB assessed at < VND 5,000,000.

2. A fine ranging from VND 15,000,000 to VND 25,000,000 shall be imposed in one of the following circumstances:

- a) The violation involves forest animals of common species assessed at from VND 10,000,000 to under VND 20,000,000;
- b) The violation involves endangered, rare and precious animals of Group IIB assessed at from VND 5,000,000 to under VND 10,000,000.

3. A fine ranging from VND 25,000,000 to VND 50,000,000 shall be imposed in one of the following circumstances:

- a) The violation involves forest animals of common species assessed at from VND 20,000,000 to under VND 40,000,000;
- b) The violation involves endangered, rare and precious animals of Group IIB assessed at from VND 10,000,000 to under VND 20,000,000.

4. A fine ranging from VND 50,000,000 to VND 80,000,000 shall be imposed in one of the following circumstances:

a) The violation involves forest animals of common species assessed at from VND 40,000,000 to under VND 70,000,000;

b) The violation involves endangered, rare and precious animals of Group IIB assessed at from VND 20,000,000 to under VND 35,000,000.

5. A fine ranging from VND 80,000,000 to VND 110,000,000 shall be imposed in one of the following circumstances:

a) The violation involves forest animals of common species assessed at from VND 70,000,000 to under VND 100,000,000;

b) The violation involves endangered, rare and precious animals of Group IIB assessed at from VND 35,000,000 to under VND 50,000,000.

6. A fine ranging from VND 110,000,000 to VND 140,000,000 shall be imposed in one of the following circumstances:

a) The violation involves forest animals of common species assessed at from VND 100,000,000 to under VND 130,000,000;

b) The violation involves endangered, rare and precious animals of Group IIB assessed at from VND 50,000,000 to under VND 65,000,000.

7. A fine ranging from VND 140,000,000 to VND 170,000,000 shall be imposed in one of the following circumstances:

a) The violation involves forest animals of common species assessed at from VND 130,000,000 to under VND 160,000,000;

b) The violation involves endangered, rare and precious animals of Group IIB assessed at from VND 65,000,000 to under VND 80,000,000.

8. A fine ranging from VND 170,000,000 to VND 210,000,000 shall be imposed in one of the following circumstances:

a) The violation involves forest animals of common species assessed at from VND 160,000,000 to under VND 190,000,000;

b) The violation involves endangered, rare and precious animals of Group IIB assessed at from VND 80,000,000 to under VND 95,000,000.

9. A fine ranging from VND 210,000,000 to VND 240,000,000 shall be imposed in one of the following circumstances:

a) The violation involves forest animals of common species assessed at from VND 190,000,000 to under VND 220,000,000;

b) The violation involves endangered, rare and precious animals of Group IIB assessed at from VND 95,000,000 to under VND 110,000,000.

10. A fine ranging from VND 240,000,000 to VND 270,000,000 shall be imposed in one of the following circumstances:

a) The violation involves forest animals of common species assessed at from VND 220,000,000 to under VND 250,000,000;

b) The violation involves endangered, rare and precious animals of Group IIB assessed at from VND 110,000,000 to under VND 125,000,000.

11. A fine ranging from VND 270,000,000 to VND 300,000,000 shall be imposed in one of the following circumstances:

a) The violation involves forest animals of common species assessed at from VND 250,000,000 to under VND 300,000,000;

b) The violation involves endangered, rare and precious animals of Group IIB assessed at from VND 125,000,000 to under VND 150,000,000.

12. A fine ranging from VND 300,000,000 to VND 330,000,000 shall be imposed for the violation whose exhibits are endangered, rare and precious animals of Group IB and which involves less than 03 individuals of class Aves or class Reptilia or animals of other classes;

13. A fine ranging from VND 330,000,000 to VND 360,000,000 shall be imposed for the violation whose exhibits are endangered, rare and precious animals of Group IB and which involves 01 individual of class Mammalia, or 03 - 04 individuals of class Aves or class Reptilia, or 03 - 05 individuals of other classes.

14. A fine ranging from VND 360,000,000 to VND 400,000,000 shall be imposed for the violation whose exhibits are endangered, rare and precious animals of Group IB and which involves 02 individuals of class Mammalia, or 05 - 06 individuals of class Aves or class Reptilia, or 06 - 09 individuals of other classes.

15. Additional penalties:

a) Exhibits, devices and tools of the violation shall be confiscated in case of commission of any of the violations specified in Clause 1 – 14 of this Article;

b) Instrumentalities of the violation shall be confiscated in case of commission of any of the violations specified in Clause 3 – 14 of this Article.

## 16. Remedial measures:

The violator is compelled to implement measures for controlling the environmental pollution and the spread of epidemics; destroy goods or articles which cause harm to human health, domestic animals, plants or environment in case of commission of any of the violations specified in Clause 1 through 14 of this Article.

### **Section 3. VIOLATIONS AGAINST FOREST PRODUCT MANAGEMENT**

#### **Article 22. Illegal transport of forest products**

The following penalties shall be imposed for failure to prepare a lawful dossier when transporting forest products (from the time they are loaded onto the vehicle) or inconsistency between the dossier which is deemed lawful and forest products actually transported.

1. A fine ranging from VND 5,000,000 to VND 15,000,000 shall be imposed in one of the following circumstances:

- a) The violation involves forest animals of common species, body parts or products thereof assessed at < VND 15,000,000;
- b) The violation involves endangered, rare and precious animals of Group IIB, body parts or products thereof assessed at < VND 7,000,000;
- c) The violation involves a volume of < 02 m<sup>3</sup> of timber of common species;
- b) The violation involves a volume of < 01 m<sup>3</sup> of timber of endangered, rare or precious species in Group IIA;
- dd) The violation involves a volume of < 0.2 m<sup>3</sup> of timber of endangered, rare or precious species in Group IA;
- e) The violation involves non-timber forest plants assessed at < VND 15,000,000;
- g) The violation involves products made from timber without lawful dossier and assessed at < VND 15,000,000.

2. A fine ranging from VND 15,000,000 to VND 25,000,000 shall be imposed in one of the following circumstances:

- a) The violation involves forest animals of common species, body parts or products thereof assessed at from VND 15,000,000 to under VND 25,000,000;
- b) The violation involves endangered, rare and precious animals of Group IIB, body parts or products thereof assessed at from VND 7,000,000 to under VND 15,000,000;

c) The violation involves products of endangered, rare and precious animals of Group IB assessed at < VND 1,000,000;

d) The violation involves a volume of from 02 m<sup>3</sup> to under 05 m<sup>3</sup> of timber of common species;

dd) The violation involves a volume of from 01 m<sup>3</sup> to under 2.5 m<sup>3</sup> of timber of endangered, rare or precious species in Group IIA;

e) The violation involves a volume of from 0.2 m<sup>3</sup> to under 0.4 m<sup>3</sup> of timber of endangered, rare or precious species in Group IA;

g) The violation involves non-timber forest plants assessed at from VND 15,000,000 to under VND 25,000,000;

h) The violation involves products made from timber without lawful dossier and assessed at from VND 15,000,000 to under VND 25,000,000.

3. A fine ranging from VND 25,000,000 to VND 50,000,000 shall be imposed in one of the following circumstances:

a) The violation involves forest animals of common species, body parts or products thereof assessed at from VND 25,000,000 to under VND 50,000,000;

b) The violation involves endangered, rare and precious animals of Group IIB, body parts or products thereof assessed at from VND 15,000,000 to under VND 25,000,000;

c) The violation involves products of endangered, rare and precious animals of Group IB assessed at from VND 1,000,000 to under VND 3,000,000;

d) The violation involves a volume of from 05 m<sup>3</sup> to under 08 m<sup>3</sup> of timber of common species;

dd) The violation involves a volume of from 2.5 m<sup>3</sup> to under 04 m<sup>3</sup> of timber of endangered, rare or precious species in Group IIA;

e) The violation involves a volume of from 0.4 m<sup>3</sup> to under 0.6 m<sup>3</sup> of timber of endangered, rare or precious species in Group IA;

g) The violation involves non-timber forest plants assessed at from VND 25,000,000 to under VND 50,000,000;

h) The violation involves products made from timber without lawful dossier and assessed at from VND 25,000,000 to under VND 50,000,000.

4. A fine ranging from VND 50,000,000 to VND 70,000,000 shall be imposed in one of the following circumstances:

- a) The violation involves forest animals of common species, body parts or products thereof assessed at from VND 50,000,000 to under VND 70,000,000;
- b) The violation involves endangered, rare and precious animals of Group IIB, body parts or products thereof assessed at from VND 25,000,000 to under VND 35,000,000;
- c) The violation involves products of endangered, rare and precious animals of Group IB assessed at from VND 3,000,000 to under VND 5,000,000;
- d) The violation involves a volume of from 08 m<sup>3</sup> to under 11 m<sup>3</sup> of timber of common species;
- dd) The violation involves a volume of from 04 m<sup>3</sup> to under 5.5 m<sup>3</sup> of timber of endangered, rare or precious species in Group IIA;
- e) The violation involves a volume of from 0.6 m<sup>3</sup> to under 0.9 m<sup>3</sup> of timber of endangered, rare or precious species in Group IA;
- g) The violation involves non-timber forest plants assessed at from VND 50,000,000 to under VND 70,000,000;
- h) The violation involves products made from timber without lawful dossier and assessed at from VND 50,000,000 to under VND 70,000,000.

5. A fine ranging from VND 70,000,000 to VND 90,000,000 shall be imposed in one of the following circumstances:

- a) The violation involves forest animals of common species, body parts or products thereof assessed at from VND 70,000,000 to under VND 90,000,000;
- b) The violation involves endangered, rare and precious animals of Group IIB, body parts or products thereof assessed at from VND 35,000,000 to under VND 45,000,000;
- c) The violation involves products of endangered, rare and precious animals of Group IB assessed at from VND 5,000,000 to under VND 10,000,000;
- d) The violation involves a volume of from 11 m<sup>3</sup> to under 14 m<sup>3</sup> of timber of common species;
- dd) The violation involves a volume of from 5.5 m<sup>3</sup> to under 07 m<sup>3</sup> of timber of endangered, rare or precious species in Group IIA;
- e) The violation involves a volume of from 0.9 m<sup>3</sup> to under 1.2 m<sup>3</sup> of timber of endangered, rare or precious species in Group IA;
- g) The violation involves non-timber forest plants assessed at from VND 70,000,000 to under VND 90,000,000;

h) The violation involves products made from timber without lawful dossier and assessed at from VND 70,000,000 to under VND 90,000,000.

6. A fine ranging from VND 90,000,000 to VND 120,000,000 shall be imposed in one of the following circumstances:

a) The violation involves forest animals of common species, body parts or products thereof assessed at from VND 90,000,000 to under VND 120,000,000;

b) The violation involves endangered, rare and precious animals of Group IIB, body parts or products thereof assessed at from VND 45,000,000 to under VND 60,000,000;

c) The violation involves products of endangered, rare and precious animals of Group IB assessed at from VND 10,000,000 to under VND 20,000,000;

d) The violation involves a volume of from 14 m<sup>3</sup> to under 17 m<sup>3</sup> of timber of common species;

dd) The violation involves a volume of from 07 m<sup>3</sup> to under 8.5 m<sup>3</sup> of timber of endangered, rare or precious species in Group IIA;

e) The violation involves a volume of from 1.2 m<sup>3</sup> to under 1.5 m<sup>3</sup> of timber of endangered, rare or precious species in Group IA;

g) The violation involves non-timber forest plants assessed at from VND 90,000,000 to under VND 120,000,000;

h) The violation involves products made from timber without lawful dossier and assessed at from VND 90,000,000 to under VND 120,000,000.

7. A fine ranging from VND 120,000,000 to VND 150,000,000 shall be imposed in one of the following circumstances:

a) The violation involves forest animals of common species, body parts or products thereof assessed at from VND 120,000,000 to under VND 150,000,000;

b) The violation involves endangered, rare and precious animals of Group IIB, body parts or products thereof assessed at from VND 60,000,000 to under VND 75,000,000;

c) The violation involves products of endangered, rare and precious animals of Group IB assessed at from VND 20,000,000 to under VND 30,000,000;

d) The violation involves a volume of from 17 m<sup>3</sup> to under 20 m<sup>3</sup> of timber of common species;

dd) The violation involves a volume of from 8.5 m<sup>3</sup> to under 10 m<sup>3</sup> of timber of endangered, rare or precious species in Group IIA;

e) The violation involves non-timber forest plants assessed at from VND 120,000,000 to under VND 150,000,000;

g) The violation involves products made from timber without lawful dossier and assessed at from VND 120,000,000 to under VND 150,000,000.

8. A fine ranging from VND 150,000,000 to VND 180,000,000 shall be imposed in one of the following circumstances:

a) The violation involves forest animals of common species, body parts or products thereof assessed at from VND 150,000,000 to under VND 180,000,000;

b) The violation involves endangered, rare and precious animals of Group IIB, body parts or products thereof assessed at from VND 75,000,000 to under VND 90,000,000;

c) The violation involves products of endangered, rare and precious animals of Group IB assessed at from VND 30,000,000 to under VND 40,000,000;

d) The violation involves non-timber forest plants assessed at from VND 150,000,000 to under VND 180,000,000;

dd) The violation involves products made from timber without lawful dossier and assessed at from VND 150,000,000 to under VND 180,000,000.

9. A fine ranging from VND 180,000,000 to VND 210,000,000 shall be imposed in one of the following circumstances:

a) The violation involves forest animals of common species, body parts or products thereof assessed at from VND 180,000,000 to under VND 210,000,000;

b) The violation involves endangered, rare and precious animals of Group IIB, body parts or products thereof assessed at from VND 90,000,000 to under VND 105,000,000;

c) The violation involves products of endangered, rare and precious animals of Group IB assessed at from VND 40,000,000 to under VND 50,000,000;

d) The violation involves < 0.3 kg of elephant ivory;

dd) The violation involves non-timber forest plants assessed at from VND 180,000,000 to under VND 210,000,000;

e) The violation involves products made from timber without lawful dossier and assessed at from VND 180,000,000 to under VND 210,000,000.

10. A fine ranging from VND 210,000,000 to VND 240,000,000 shall be imposed in one of the following circumstances:

- a) The violation involves forest animals of common species, body parts or products thereof assessed at from VND 210,000,000 to under VND 240,000,000;
- b) The violation involves endangered, rare and precious animals of Group IIB, body parts or products thereof assessed at from VND 105,000,000 to under VND 120,000,000;
- c) The violation involves products of endangered, rare and precious animals of Group IB assessed at from VND 50,000,000 to under VND 60,000,000;
- d) The violation involves from 0.3 kg to under 0.6 kg of elephant ivory;
- dd) The violation involves non-timber forest plants assessed at from VND 210,000,000 to under VND 240,000,000;
- e) The violation involves products made from timber without lawful dossier and assessed at from VND 210,000,000 to under VND 240,000,000.

11. A fine ranging from VND 240,000,000 to VND 270,000,000 shall be imposed in one of the following circumstances:

- a) The violation involves forest animals of common species, body parts or products thereof assessed at from VND 240,000,000 to under VND 270,000,000;
- b) The violation involves endangered, rare and precious animals of Group IIB, body parts or products thereof assessed at from VND 120,000,000 to under VND 135,000,000;
- c) The violation involves products of endangered, rare and precious animals of Group IB assessed at from VND 60,000,000 to under VND 70,000,000;
- d) The violation involves from 0.6 kg to under 0.9 kg of elephant ivory;
- dd) The violation involves non-timber forest plants assessed at from VND 240,000,000 to under VND 270,000,000;
- e) The violation involves products made from timber without lawful dossier and assessed at from VND 240,000,000 to under VND 270,000,000.

12. A fine ranging from VND 270,000,000 to VND 300,000,000 shall be imposed in one of the following circumstances:

- a) The violation involves forest animals of common species, body parts or products thereof assessed at from VND 270,000,000 to under VND 300,000,000;
- b) The violation involves endangered, rare and precious animals of Group IIB, body parts or products thereof assessed at from VND 135,000,000 to under VND 150,000,000;

c) The violation involves products of endangered, rare and precious animals of Group IB assessed at from VND 70,000,000 to under VND 80,000,000;

d) The violation involves from 0.9 kg to under 1.2 kg of elephant ivory;

dd) The violation involves endangered, rare and precious animals of Group IB or vital body parts thereof with less than 03 individuals of class Aves or class Reptilia or animals of other classes;

e) The violation involves non-timber forest plants assessed at from VND 270,000,000 to under VND 300,000,000;

g) The violation involves products made from timber without lawful dossier and assessed at from VND 270,000,000 to under VND 300,000,000.

13. A fine ranging from VND 300,000,000 to VND 330,000,000 shall be imposed in one of the following circumstances:

a) The violation involves products of endangered, rare and precious animals of Group IB assessed at from VND 80,000,000 to under VND 90,000,000;

b) The violation involves from 1.2 kg to under 1.5 kg of elephant ivory or < 0.03 kg of rhino horns;

c) The violation involves endangered, rare and precious animals of Group IB or vital body parts thereof with 01 individual of class Mammalia, or 03 - 04 individuals of class Aves or class Reptilia, or 03 - 05 individuals of other classes;

d) The violation involves products made from timber without lawful dossier and assessed at from VND 300,000,000 to under VND 330,000,000.

14. A fine ranging from VND 330,000,000 to VND 360,000,000 shall be imposed in one of the following circumstances:

a) The violation involves products of endangered, rare and precious animals of Group IB assessed at from VND 90,000,000 to under VND 100,000,000;

b) The violation involves from 1.5 kg to under 02 kg of elephant ivory, or from 0.03 kg to under 0.05 kg of rhino horns;

c) The violation involves endangered, rare and precious animals of Group IB or vital body parts thereof with 02 individuals of class Mammalia, or 05 - 06 individuals of class Aves or class Reptilia, or 06 - 09 individuals of other classes;

d) The violation involves products made from timber without lawful dossier and assessed at from VND 330,000,000 to under VND 360,000,000.

15. A fine ranging from VND 360,000,000 to VND 390,000,000 shall be imposed for illegal transport of products made from timber without lawful dossier and assessed at from VND 360,000,000 to under VND 390,000,000.

16. A fine ranging from VND 390,000,000 to VND 420,000,000 shall be imposed for illegal transport of products made from timber without lawful dossier and assessed at from VND 390,000,000 to under VND 420,000,000.

17. A fine ranging from VND 420,000,000 to VND 450,000,000 shall be imposed for illegal transport of products made from timber without lawful dossier and assessed at from VND 420,000,000 to under VND 450,000,000.

18. A fine ranging from VND 450,000,000 to VND 475,000,000 shall be imposed for illegal transport of products made from timber without lawful dossier and assessed at from VND 450,000,000 to under VND 475,000,000.

19. A fine ranging from VND 475,000,000 to VND 500,000,000 shall be imposed for illegal transport of products made from timber without lawful dossier and assessed at  $\geq$  VND 475,000,000.

20. Additional penalties:

a) Exhibits of the violation shall be confiscated in case of commission of any of the violations specified in Clause 1 through 19 of this Article (except the violation involving timber with lawful dossier and origin but the actual volume of timber exceeds the permissible deviations announced by the Ministry of Agriculture and Rural Development).

b) Instrumentalities of the violation shall be confiscated in case of commission of any of the violations specified in Clause 1 through 19 of this Article in one of the following circumstances:

The violation is committed by an organized group or in case of repeated violation.

The violation involves a vehicle which is modified without permission, a vehicle without a corresponding certificate of vehicle registration issued by a competent authority as prescribed by law, or a vehicle bearing a fake license plate.

The violation involves the transport of a volume of  $\geq 05 \text{ m}^3$  of timber of common species, or a volume of  $\geq 2.5 \text{ m}^3$  of timber of endangered, rare or precious species in Group IIA, or a volume of  $\geq 0.4 \text{ m}^3$  of timber of endangered, rare or precious species in Group IA, or non-timber forest plants assessed at  $\geq$  VND 25,000,000, or products made from timber without lawful dossier and assessed at  $\geq$  VND 25,000,000.

The violation involves the transport of forest animals of common species, body parts or products thereof assessed at  $\geq$  VND 25,000,000, or endangered, rare and precious animals of Group IIB, body parts or products thereof assessed at  $\geq$  VND 15,000,000, or endangered, rare and precious animals of Group IB, body parts or products thereof assessed at  $\geq$  VND 1,000,000.

The violation involves the transport of endangered, rare and precious animals of Group IB or vital body parts thereof, elephant ivory or rhino horns.

The violation involves the illegal transport of  $\geq 02$  categories of timber (whether or not of endangered, rare or precious species) or forest products of various categories other than timber of endangered, rare or precious species in case the volume of timber of each category or the value of forest products of each category is not so serious that the instrumentalities of the violation must be confiscated but total volume of timber of all categories illegally transported is  $\geq 05 \text{ m}^3$  or total value of non-timber forest products illegally transported is  $\geq \text{VND } 25,000,000$ .

21. Remedial measures:

a) The violator is compelled to implement measures for controlling the environmental pollution and the spread of epidemics; destroy goods or articles which cause harm to human health, domestic animals, plants or the environment in case of commission of any of the violations specified in Points a and b Clause 1, Points a, b and c of Clause 2 through 11, Points a, b, c and dd Clause 12, Points a and c Clause 13 and Clause 14 of this Article;

b) The violator is compelled to transfer illegal benefits obtained from the administrative violation or an amount of money equivalent to the value of the exhibits and/or instrumentalities of the administrative violation which have been sold, liquidated, hidden or destroyed inconsistently with the law in case of commission of any of the violations specified in Clause 1 through 19 of this Article.

22. The person that transports forest products of lawful origin without a dossier prepared as prescribed by law or the vehicle operator or the forest product owner who fails to present dossier of transported forest products to the official in charge of inspecting the vehicle within 24 hours from the time of inspection shall incur penalties as regulated in Article 24 hereof.

23. The forest product owner shall incur penalties for trading of forest products as regulated in Article 23 hereof. If the forest product owner is also the vehicle owner, or his/her authorized manager or user, illegally transporting forest products, he/she shall incur both penalties for illegal transport of forest products as regulated in this Article and penalties for illegal trading of forest products as regulated in Article 23 hereof.

24. If anthracite and charcoal are found to be illegally transported from a natural forest, the forest product owner shall incur the penalty specified in Clause 4 Article 13 hereof.

25. If a vehicle owner or his/her authorized manager or user deliberately lets another person operate or use the vehicle to illegally transport forest products, he/she shall incur the same penalties as those incurred by the person directly transports forest products inconsistently with law as prescribed in this Article.

**Article 23. Illegal storage, trading and processing of forest products**

The following penalties shall be imposed for storage, trading or processing of forest products without a lawful dossier or which are not conformable with the presented dossier which is deemed lawful.

1. A fine ranging from VND 5,000,000 to VND 15,000,000 shall be imposed in one of the following circumstances:

- a) The violation involves forest animals of common species, body parts or products thereof assessed at < VND 15,000,000;
- b) The violation involves endangered, rare and precious animals of Group IIB, body parts or products thereof assessed at < VND 7,000,000;
- c) The violation involves a volume of < 02 m<sup>3</sup> of timber of common species;
- b) The violation involves a volume of < 01 m<sup>3</sup> of timber of endangered, rare or precious species in Group IIA;
- dd) The violation involves a volume of < 0.2 m<sup>3</sup> of timber of endangered, rare or precious species in Group IA;
- e) The violation involves non-timber forest plants assessed at < VND 15,000,000;
- g) The violation involves products made from timber without lawful dossier and assessed at < VND 15,000,000.

2. A fine ranging from VND 15,000,000 to VND 25,000,000 shall be imposed in one of the following circumstances:

- a) The violation involves forest animals of common species, body parts or products thereof assessed at from VND 15,000,000 to under VND 25,000,000;
- b) The violation involves endangered, rare and precious animals of Group IIB, body parts or products thereof assessed at from VND 7,000,000 to under VND 15,000,000;
- c) The violation involves products of endangered, rare and precious animals of Group IB assessed at < VND 1,000,000;
- d) The violation involves a volume of from 02 m<sup>3</sup> to under 05 m<sup>3</sup> of timber of common species;
- dd) The violation involves a volume of from 01 m<sup>3</sup> to under 2.5 m<sup>3</sup> of timber of endangered, rare or precious species in Group IIA;
- e) The violation involves a volume of from 0.2 m<sup>3</sup> to under 0.4 m<sup>3</sup> of timber of endangered, rare or precious species in Group IA;

g) The violation involves non-timber forest plants assessed at from VND 15,000,000 to under VND 25,000,000;

h) The violation involves products made from timber without lawful dossier and assessed at from VND 15,000,000 to under VND 25,000,000.

3. A fine ranging from VND 25,000,000 to VND 50,000,000 shall be imposed in one of the following circumstances:

a) The violation involves forest animals of common species, body parts or products thereof assessed at from VND 25,000,000 to under VND 50,000,000;

b) The violation involves endangered, rare and precious animals of Group IIB, body parts or products thereof assessed at from VND 15,000,000 to under VND 25,000,000;

c) The violation involves products of endangered, rare and precious animals of Group IB assessed at from VND 1,000,000 to under VND 3,000,000;

d) The violation involves a volume of from 05 m<sup>3</sup> to under 08 m<sup>3</sup> of timber of common species;

dd) The violation involves a volume of from 2.5 m<sup>3</sup> to under 04 m<sup>3</sup> of timber of endangered, rare or precious species in Group IIA;

e) The violation involves a volume of from 0.4 m<sup>3</sup> to under 0.6 m<sup>3</sup> of timber of endangered, rare or precious species in Group IA;

g) The violation involves non-timber forest plants assessed at from VND 25,000,000 to under VND 50,000,000;

h) The violation involves products made from timber without lawful dossier and assessed at from VND 25,000,000 to under VND 50,000,000.

4. A fine ranging from VND 50,000,000 to VND 70,000,000 shall be imposed in one of the following circumstances:

a) The violation involves forest animals of common species, body parts or products thereof assessed at from VND 50,000,000 to under VND 70,000,000;

b) The violation involves endangered, rare and precious animals of Group IIB, body parts or products thereof assessed at from VND 25,000,000 to under VND 35,000,000;

c) The violation involves products of endangered, rare and precious animals of Group IB assessed at from VND 3,000,000 to under VND 5,000,000;

d) The violation involves a volume of from 08 m<sup>3</sup> to under 11 m<sup>3</sup> of timber of common species;

dd) The violation involves a volume of from 04 m<sup>3</sup> to under 5.5 m<sup>3</sup> of timber of endangered, rare or precious species in Group IIA;

e) The violation involves a volume of from 0.6 m<sup>3</sup> to under 0.9 m<sup>3</sup> of timber of endangered, rare or precious species in Group IA;

g) The violation involves non-timber forest plants assessed at from VND 50,000,000 to under VND 70,000,000;

h) The violation involves products made from timber without lawful dossier and assessed at from VND 50,000,000 to under VND 70,000,000.

5. A fine ranging from VND 70,000,000 to VND 90,000,000 shall be imposed in one of the following circumstances:

a) The violation involves forest animals of common species, body parts or products thereof assessed at from VND 70,000,000 to under VND 90,000,000;

b) The violation involves endangered, rare and precious animals of Group IIB, body parts or products thereof assessed at from VND 35,000,000 to under VND 45,000,000;

c) The violation involves products of endangered, rare and precious animals of Group IB assessed at from VND 5,000,000 to under VND 10,000,000;

d) The violation involves a volume of from 11 m<sup>3</sup> to under 14 m<sup>3</sup> of timber of common species;

dd) The violation involves a volume of from 5.5 m<sup>3</sup> to under 07 m<sup>3</sup> of timber of endangered, rare or precious species in Group IIA;

e) The violation involves a volume of from 0.9 m<sup>3</sup> to under 1.2 m<sup>3</sup> of timber of endangered, rare or precious species in Group IA;

g) The violation involves non-timber forest plants assessed at from VND 70,000,000 to under VND 90,000,000;

h) The violation involves products made from timber without lawful dossier and assessed at from VND 70,000,000 to under VND 90,000,000.

6. A fine ranging from VND 90,000,000 to VND 120,000,000 shall be imposed in one of the following circumstances:

a) The violation involves forest animals of common species, body parts or products thereof assessed at from VND 90,000,000 to under VND 120,000,000;

b) The violation involves endangered, rare and precious animals of Group IIB, body parts or products thereof assessed at from VND 45,000,000 to under VND 60,000,000;

c) The violation involves products of endangered, rare and precious animals of Group IB assessed at from VND 10,000,000 to under VND 20,000,000;

d) The violation involves a volume of from 14 m<sup>3</sup> to under 17 m<sup>3</sup> of timber of common species;

dd) The violation involves a volume of from 07 m<sup>3</sup> to under 8.5 m<sup>3</sup> of timber of endangered, rare or precious species in Group IIA;

e) The violation involves a volume of from 1.2 m<sup>3</sup> to under 1.5 m<sup>3</sup> of timber of endangered, rare or precious species in Group IA;

g) The violation involves non-timber forest plants assessed at from VND 90,000,000 to under VND 120,000,000;

h) The violation involves products made from timber without lawful dossier and assessed at from VND 90,000,000 to under VND 120,000,000.

7. A fine ranging from VND 120,000,000 to VND 150,000,000 shall be imposed in one of the following circumstances:

a) The violation involves forest animals of common species, body parts or products thereof assessed at from VND 120,000,000 to under VND 150,000,000;

b) The violation involves endangered, rare and precious animals of Group IIB, body parts or products thereof assessed at from VND 60,000,000 to under VND 75,000,000;

c) The violation involves products of endangered, rare and precious animals of Group IB assessed at from VND 20,000,000 to under VND 30,000,000;

d) The violation involves a volume of from 17 m<sup>3</sup> to under 20 m<sup>3</sup> of timber of common species;

dd) The violation involves a volume of from 8.5 m<sup>3</sup> to under 10 m<sup>3</sup> of timber of endangered, rare or precious species in Group IIA;

e) The violation involves non-timber forest plants assessed at from VND 120,000,000 to under VND 150,000,000;

g) The violation involves products made from timber without lawful dossier and assessed at from VND 120,000,000 to under VND 150,000,000.

8. A fine ranging from VND 150,000,000 to VND 180,000,000 shall be imposed in one of the following circumstances:

a) The violation involves forest animals of common species, body parts or products thereof assessed at from VND 150,000,000 to under VND 180,000,000;

b) The violation involves endangered, rare and precious animals of Group IIB, body parts or products thereof assessed at from VND 75,000,000 to under VND 90,000,000;

c) The violation involves products of endangered, rare and precious animals of Group IB assessed at from VND 30,000,000 to under VND 40,000,000;

d) The violation involves non-timber forest plants assessed at from VND 150,000,000 to under VND 180,000,000;

dd) The violation involves products made from timber without lawful dossier and assessed at from VND 150,000,000 to under VND 180,000,000.

9. A fine ranging from VND 180,000,000 to VND 210,000,000 shall be imposed in one of the following circumstances:

a) The violation involves forest animals of common species, body parts or products thereof assessed at from VND 180,000,000 to under VND 210,000,000;

b) The violation involves endangered, rare and precious animals of Group IIB, body parts or products thereof assessed at from VND 90,000,000 to under VND 105,000,000;

c) The violation involves products of endangered, rare and precious animals of Group IB assessed at from VND 40,000,000 to under VND 50,000,000;

d) The violation involves < 0.3 kg of elephant ivory;

dd) The violation involves non-timber forest plants assessed at from VND 180,000,000 to under VND 210,000,000;

e) The violation involves products made from timber without lawful dossier and assessed at from VND 180,000,000 to under VND 210,000,000.

10. A fine ranging from VND 210,000,000 to VND 240,000,000 shall be imposed in one of the following circumstances:

a) The violation involves forest animals of common species, body parts or products thereof assessed at from VND 210,000,000 to under VND 240,000,000;

b) The violation involves endangered, rare and precious animals of Group IIB, body parts or products thereof assessed at from VND 105,000,000 to under VND 120,000,000;

c) The violation involves products of endangered, rare and precious animals of Group IB assessed at from VND 50,000,000 to under VND 60,000,000;

d) The violation involves from 0.3 kg to under 0.6 kg of elephant ivory;

dd) The violation involves non-timber forest plants assessed at from VND 210,000,000 to under VND 240,000,000;

e) The violation involves products made from timber without lawful dossier and assessed at from VND 210,000,000 to under VND 240,000,000.

11. A fine ranging from VND 240,000,000 to VND 270,000,000 shall be imposed in one of the following circumstances:

a) The violation involves forest animals of common species, body parts or products thereof assessed at from VND 240,000,000 to under VND 270,000,000;

b) The violation involves endangered, rare and precious animals of Group IIB, body parts or products thereof assessed at from VND 120,000,000 to under VND 135,000,000;

c) The violation involves products of endangered, rare and precious animals of Group IB assessed at from VND 60,000,000 to under VND 70,000,000;

d) The violation involves from 0.6 kg to under 0.9 kg of elephant ivory;

dd) The violation involves non-timber forest plants assessed at from VND 240,000,000 to under VND 270,000,000;

e) The violation involves products made from timber without lawful dossier and assessed at from VND 240,000,000 to under VND 270,000,000.

12. A fine ranging from VND 270,000,000 to VND 300,000,000 shall be imposed in one of the following circumstances:

a) The violation involves forest animals of common species, body parts or products thereof assessed at from VND 270,000,000 to under VND 300,000,000;

b) The violation involves endangered, rare and precious animals of Group IIB, body parts or products thereof assessed at from VND 135,000,000 to under VND 150,000,000;

c) The violation involves products of endangered, rare and precious animals of Group IB assessed at from VND 70,000,000 to under VND 80,000,000;

d) The violation involves from 0.9 kg to under 1.2 kg of elephant ivory;

dd) The violation involves endangered, rare and precious animals of Group IB or vital body parts thereof with less than 03 individuals of class Aves or class Reptilia or animals of other classes;

e) The violation involves non-timber forest plants assessed at from VND 270,000,000 to under VND 300,000,000;

g) The violation involves products made from timber without lawful dossier and assessed at from VND 270,000,000 to under VND 300,000,000.

13. A fine ranging from VND 300,000,000 to VND 330,000,000 shall be imposed in one of the following circumstances:

a) The violation involves products of endangered, rare and precious animals of Group IB assessed at from VND 80,000,000 to under VND 90,000,000;

b) The violation involves from 1.2 kg to under 1.5 kg of elephant ivory, or < 0.03 kg of rhino horns;

c) The violation involves endangered, rare and precious animals of Group IB or vital body parts thereof with 01 individual of class Mammalia, or 03 - 04 individuals of class Aves or class Reptilia, or 03 - 05 individuals of other classes;

d) The violation involves products made from timber without lawful dossier and assessed at from VND 300,000,000 to under VND 330,000,000.

14. A fine ranging from VND 330,000,000 to VND 360,000,000 shall be imposed in one of the following circumstances:

a) The violation involves products of endangered, rare and precious animals of Group IB assessed at from VND 90,000,000 to under VND 100,000,000;

b) The violation involves from 1.5 kg to under 02 kg of elephant ivory, or from 0.03 kg to under 0.05 kg of rhino horns;

c) The violation involves endangered, rare and precious animals of Group IB or vital body parts thereof with 02 individuals of class Mammalia, or 05 - 06 individuals of class Aves or class Reptilia, or 06 - 09 individuals of other classes;

d) The violation involves products made from timber without lawful dossier and assessed at from VND 330,000,000 to under VND 360,000,000.

15. A fine ranging from VND 360,000,000 to VND 390,000,000 shall be imposed for the violation the exhibits of which are products made from timber without lawful dossier and assessed at from VND 360,000,000 to under VND 390,000,000.

16. A fine ranging from VND 390,000,000 to VND 420,000,000 shall be imposed for the violation the exhibits of which are products made from timber without lawful dossier and assessed at from VND 390,000,000 to under VND 420,000,000.

17. A fine ranging from VND 420,000,000 to VND 450,000,000 shall be imposed for the violation the exhibits of which are products made from timber without lawful dossier and assessed at from VND 420,000,000 to under VND 450,000,000.

18. A fine ranging from VND 450,000,000 to VND 475,000,000 shall be imposed for the violation the exhibits of which are products made from timber without lawful dossier and assessed at from VND 450,000,000 to under VND 475,000,000.

19. A fine ranging from VND 475,000,000 to VND 500,000,000 shall be imposed for the violation the exhibits of which are products made from timber without lawful dossier and assessed at  $\geq$  VND 475,000,000.

20. Additional penalties:

a) Exhibits of the violation shall be confiscated in case of commission of any of the violations specified in Clause 1 through 19 of this Article.

b) Operations of the forest product processing establishment shall be suspended for 06-12 months in case of commission of any of the violations specified in Clause 5 through 19 of this Article.

21. Remedial measures:

a) The violator is compelled to implement measures for controlling the environmental pollution and the spread of epidemics; destroy goods or articles which cause harm to human health, domestic animals, plants or the environment in case of commission of any of the violations specified in Points a and b Clause 1, Points a, b and c of Clause 2 through 11, Points a, b, c and dd Clause 12, Points a and c Clause 13 and Clause 14 of this Article;

b) The violator is compelled to transfer illegal benefits obtained from the administrative violation or an amount of money equivalent to the value of the exhibits and/or instrumentalities of the administrative violation which have been sold, liquidated, hidden or destroyed inconsistently with the law in case of commission of any of the violations specified in Clause 1 through 19 of this Article.

22. In case of trading, storage or processing of forest products which are found to be of lawful origin but lack a dossier prepared in accordance with law, penalties in Article 24 hereof shall be imposed.

23. In case timber is found to be illegally stored upon an inspection but there are no grounds for determining whether the timber is of the house owner or the processing establishment's owner and the violator cannot be identified, the official competent to impose penalties shall issue a decision on confiscation of timber according to Clause 2 Article 65 of the Law on penalties for administrative violations.

#### **Article 24. Violations against regulations on management of dossiers of forest products during transport, trading, storage and processing**

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

- a) The forest product owner transports, trades, stores or processes non-timber forest plants, or forest animals or body parts or products thereof of lawful origin but fails to fully comply with regulations on lawful forest product dossiers;
- b) The forest product owner transports, trades, stores or processes timber extracted from planted forests, home gardens or scattered trees of lawful origin but fails to fully comply with regulations on lawful forest product dossiers;
- c) The vehicle operator or the forest product owner fails to present a lawful forest product dossier to the official competent to inspect vehicles used for transporting forest products within 24 hours from the time of inspection.

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

- a) The owner of an establishment processing and/or trading in forest products or raising forest animals fails to record forest products received or delivered;
- b) The owner of an establishment raising or planting forest animals or plants on the list of forest animals and plants of endangered, rare and precious species or in appendixes of CITES fails to record the raising or planting process as prescribed by law;
- c) The owner of an establishment raising forest animals of common species fails to keep a monitoring book or fails to submit a report to competent authorities by the prescribed deadline when bringing forest animals into his/her establishment.

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

- a) The forest product owner transports, trades, stores or processes imported or confiscated forest products of lawful origin but fails to fully comply with regulations on lawful forest product dossiers;
- b) The owner of an establishment raising or planting forest animals or plants on the list of forest animals and plants of endangered, rare and precious species or in appendixes of CITES of lawful origin for commercial purposes fails to apply for registration of animal raising or planting operation as prescribed by lawsoft.

4. A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed upon the forest product owner who transports, trades, stores or processes forest products extracted from natural forests of lawful origin but fails to fully comply with regulations on lawful forest product dossiers.

### **Chapter III**

#### **POWER TO IMPOSE ADMINISTRATIVE PENALTIES**

## **Article 25. Power to record administrative violations**

The persons below are entitled to make records of administrative violations:

1. The persons entitled to impose administrative penalties mentioned herein.
2. Officials, public employees and persons of people's army or people's police working in the authorities mentioned in Article 26 through 33 hereof in the performance of their assigned duties to carry out inspection of the compliance with regulations on forest management, development, use and protection, and forest product management.

## **Article 26. Power to impose penalties of forest protection forces**

1. Forest rangers on duty shall have the power to:

- a) Issue warnings;
- b) Impose a fine up to VND 500,000.

2. Heads of forest ranger stations shall have the power to:

- a) Issue warnings;
- b) Impose a fine up to VND 10,000,000;
- c) Confiscate the exhibits and instrumentalities of administrative violations worth less than VND 10,000,000.

3. Heads of forest ranger offices, including: Heads of forest ranger offices of rural districts, heads of forest ranger offices of protective forests, heads of forest ranger offices of special-use forests, heads of mobile forest ranger and forest fire teams shall have the power to:

- a) Issue warnings;
- b) Impose a fine up to VND 25,000,000;
- c) Confiscate the exhibits and instrumentalities of administrative violations worth less than VND 25,000,000;
- d) Enforce the remedial measures specified in Points a, c, d, dd, e, g, h, I, k, l, m, n and o Clause 3 Article 4 of this Decree.

4. Directors of provincial-level forest protection sub-departments and head of special forest protection team affiliated to the Forest Protection Department shall have the power to:

- a) Issue warnings;

- b) Impose a fine up to VND 50,000,000;
  - c) Suspend the forest harvesting for 06-12 months or suspend operation of forest product processing establishment for 06-12 months;
  - d) Confiscate the exhibits and instrumentalities of administrative violations worth less than VND 50,000,000;
  - dd) Enforce the remedial measures specified in Clause 3 Article 4 of this Decree.
5. Director of the Forest Protection Department shall have the power to:

- a) Issue warnings;
- b) Impose a fine up to VND 500,000,000;
- c) Suspend the forest harvesting for 06-12 months or suspend operation of forest product processing establishment for 06-12 months;
- d) Confiscate the exhibits and instrumentalities of administrative violations;
- dd) Enforce the remedial measures specified in Clause 3 Article 4 of this Decree.

**Article 27. Power to impose penalties of Chairpersons of people's committees at all levels**

1. Chairpersons of People's Committees of communes shall have the power to:

- a) Issue warnings;
- b) Impose a fine up to VND 5,000,000;
- c) Confiscate the exhibits and instrumentalities of administrative violations worth less than VND 5,000,000;
- d) Enforce the remedial measures mentioned in Points a, b, c and d Clause 3 Article 4 of this Decree.

2. Chairpersons of People's Committees of districts shall have the power to:

- a) Issue warnings;
- b) Impose a fine up to VND 50,000,000;
- c) Suspend the forest harvesting for 06-12 months or suspend operation of forest product processing establishment for 06-12 months;

d) Confiscate the exhibits and instrumentalities of administrative violations worth less than VND 50,000,000;

dd) Enforce the remedial measures specified in Clause 3 Article 4 of this Decree.

3. Chairpersons of People's Committees of provinces shall have the power to:

a) Issue warnings;

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

c) Suspend the forest harvesting for 06-12 months or suspend operation of forest product processing establishment for 06-12 months;

d) Confiscate the exhibits and instrumentalities of administrative violations;

dd) Enforce the remedial measures specified in Clause 3 Article 4 of this Decree.

4. Local forest protection authorities shall provide advice for People's Committees of the same level about imposing administrative penalties within their competence as prescribed in this Article.

#### **Article 28. Power to impose penalties of specialized inspectorates in forestry sector**

1. In the performance of their duties, inspectors of agriculture and rural development sector and the persons assigned to conduct specialized inspections in forestry shall have the power to:

a) Issue warnings;

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

c) Confiscate the exhibits and instrumentalities of administrative violations worth less than VND 500,000;

d) Enforce the remedial measures mentioned in Points a, c and d Clause 3 Article 4 of this Decree.

2. Heads of inspectorates of Vietnam Administration of Forestry, chief inspectors of Provincial Departments of Agriculture and Rural Development, and heads of specialized inspection teams of Provincial Departments of Agriculture and Rural Development shall have the power to:

a) Issue warnings;

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

- c) Suspend the forest harvesting for 06-12 months or suspend operation of forest product processing establishment for 06-12 months;
- d) Confiscate the exhibits and instrumentalities of administrative violations worth less than VND 50,000,000;
- dd) Enforce the remedial measures specified in Clause 3 Article 4 of this Decree.

3. Heads of specialized inspection teams established by the Ministry of Agriculture and Rural Development shall have the power to:

- a) Issue warnings;
- b) Impose a fine up to VND 250,000,000;
- c) Suspend the forest harvesting for 06-12 months or suspend operation of forest product processing establishment for 06-12 months;
- d) Confiscate the exhibits and instrumentalities of administrative violations worth less than VND 250,000,000;
- dd) Enforce the remedial measures specified in Clause 3 Article 4 of this Decree.

4. The Chief Inspector of the Ministry of Agriculture and Rural Development, and Director General of Vietnam Administration of Forestry shall have the power to:

- a) Issue warnings;
- b) Impose a fine up to VND 500,000,000;
- c) Suspend the forest harvesting for 06-12 months or suspend operation of forest product processing establishment for 06-12 months;
- d) Confiscate the exhibits and instrumentalities of administrative violations;
- dd) Enforce the remedial measures specified in Clause 3 Article 4 of this Decree.

#### **Article 29. Power to impose penalties of people's police forces**

People's police forces shall have the power to impose administrative penalties, additional penalties and enforce remedial measures as regulated in Article 39 of the Law on penalties for administrative violations.

#### **Article 30. Power to impose penalties of border guard forces**

1. Soldiers on duty of border guard forces shall have the power to:

a) Issue warnings;

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

2. Heads of border guard stations, and leaders of the soldiers mentioned in Clause 1 of this Article shall have the power to:

a) Issue warnings;

b) Impose a fine up to VND 2,500,000.

3. Heads of border-guard stations, commanders of border-guard flotillas, commanders of border-guard sub-zones, and commanders of port border guards shall have the power to:

a) Issue warnings;

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

c) Confiscate the exhibits and instrumentalities of administrative violations worth less than VND 25,000,000;

d) Enforce the remedial measures mentioned in Points a, c, d, e and l Clause 3 Article 4 of this Decree.

4. 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:

a) Issue warnings;

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

c) Suspend the forest harvesting for 06-12 months or suspend operation of forest product processing establishment for 06-12 months;

d) Confiscate the exhibits and instrumentalities of administrative violations;

dd) Enforce the remedial measures mentioned in Points a, c, d, dd, e and l Clause 3 Article 4 of this Decree.

### **Article 31. Power to impose penalties of coast guard forces**

1. Coast guard officers on duty shall have the power to:

a) Issue warnings;

b) Impose a fine up to VND 1,500,000.

2. Coastguard team leaders shall have the power to:

- a) Issue warnings;
- b) Impose a fine up to VND 5,000,000.

3. Coastguard squad leaders and captains of coastguard stations shall have the power to:

- a) Issue warnings;
- b) Impose a fine up to VND 10,000,000;
- c) Enforce the remedial measures mentioned in Points a, c and d Clause 3 Article 4 of this Decree.

4. Commanders of coastguard platoons shall have the power to:

- a) Issue warnings;
- b) Impose a fine up to VND 25,000,000;
- c) Confiscate the exhibits and instrumentalities of administrative violations worth less than VND 25,000,000;
- d) Enforce the remedial measures mentioned in Points a, c and d Clause 3 Article 4 of this Decree.

5. Commanders in chief of coastguard squadrons shall have the power to:

- a) Issue warnings;
- b) Impose a fine up to VND 50,000,000;
- c) Confiscate the exhibits and instrumentalities of administrative violations worth less than VND 50,000,000;
- d) Enforce the remedial measures mentioned in Points a, c and d Clause 3 Article 4 of this Decree.

6. Commanders of Regional Coast Guards shall have the power to:

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

c) Confiscate the exhibits and instrumentalities of administrative violations worth less than VND 100,000,000;

d) Enforce the remedial measures mentioned in Points a, c and d Clause 3 Article 4 of this Decree.

7. Commanders of Coastguard Headquarters shall have the power to:

a) Issue warnings;

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

c) Suspend operation of forest product processing establishments for 06 - 12 months;

d) Confiscate the exhibits and instrumentalities of administrative violations;

dd) Enforce the remedial measures mentioned in Points a, b, c and d Clause 3 Article 4 of this Decree.

### **Article 32. Power to impose penalties of market surveillance forces**

1. Market controllers on duty shall have the power to:

a) Issue warnings;

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

2. Leaders of market surveillance teams shall have the power to:

a) Issue warnings;

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

c) Confiscate the exhibits and instrumentalities of administrative violations worth less than VND 25,000,000;

d) Impose the remedial measures specified in Points a, d and dd Clause 3 Article 4 of this Decree.

3. Directors of Provincial Market Surveillance Departments and Director of Market Surveillance Operations Department affiliated to Vietnam Directorate of Market Surveillance shall have the power to:

a) Issue warnings;

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

- c) Suspend operation of forest product processing establishments for 06 - 12 months;
- d) Confiscate the exhibits and instrumentalities of administrative violations worth less than VND 50,000,000;
- dd) Enforce the remedial measures mentioned in Points a, c, d and dd Clause 3 Article 4 of this Decree.

4. Director General of Vietnam Directorate of Market Surveillance shall have the power to:

- a) Issue warnings;
- b) Impose a fine up to VND 500,000,000;
- c) Suspend operation of forest product processing establishments for 06 - 12 months;
- d) Confiscate the exhibits and instrumentalities of administrative violations;
- dd) Enforce the remedial measures mentioned in Points a, c, d and dd Clause 3 Article 4 of this Decree.

### **Article 33. Power to impose penalties of customs agencies**

1. Customs officials on duty shall have the power to:

- a) Issue warnings;
- b) Impose a fine up to VND 500,000.

2. Team leaders of Customs Branches and team leaders of Post-clearance Audit Branches shall have the power to:

- a) Issue warnings;
- b) Impose a fine up to VND 5,000,000.

3. Directors of Customs Branches, Directors of Post-clearance Audit Branches, leaders of customs control teams affiliated to Customs Departments of provinces, leaders of anti-smuggling control teams, commanders of marine control squads and leaders of intellectual property protection and control teams affiliated to Anti-smuggling and Investigation Department of General Department of Customs shall have the power to:

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

c) Confiscate the exhibits and instrumentalities of administrative violations worth less than VND 25,000,000;

d) Enforce the remedial measures mentioned in Points d and dd Clause 3 Article 4 of this Decree.

4. Directors of Anti-smuggling and Investigation Department and Post-clearance Audit Department affiliated to General Department of Customs, and Directors of Customs Departments of provinces shall have the power to:

a) Issue warnings;

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

c) Suspend operation of forest product processing establishments for 06 - 12 months;

d) Confiscate the exhibits and instrumentalities of administrative violations worth less than VND 50,000,000;

dd) Enforce the remedial measures mentioned in Points d and dd Clause 3 Article 4 of this Decree.

5. Director General of General Department of Customs shall have the power to:

a) Issue warnings;

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

c) Confiscate the exhibits and instrumentalities for committing administrative violations;

d) Enforce the remedial measures mentioned in Points d and dd Clause 3 Article 4 of this Decree.

#### **Article 34. Delegation of power to impose penalties**

1. Competent officials of forest protection authorities, People's Committees at all levels, specialized inspectorates and People's police forces shall have the power to impose administrative penalties, impose additional penalties and enforce remedial measures against the administrative violations herein within their competence prescribed in Article 26 through 29 hereof and within the ambit of their assigned functions, duties and powers.

2. Competent officials of border guard forces shall have the power to impose administrative penalties, impose additional penalties and enforce remedial measures against the administrative violations specified in Article 13, Article 17, and Article 20 through 24 hereof within their competence prescribed in Article 30 hereof and within the ambit of their assigned functions, duties and powers.

3. Competent officials of coast guard forces shall have the power to impose administrative penalties, impose additional penalties and enforce remedial measures against the administrative violations specified in Article 22, Article 23 and Article 24 hereof within their competence prescribed in Article 31 hereof and within the ambit of their assigned functions, duties and powers.

4. Competent officials of market surveillance forces shall have the power to impose administrative penalties, impose additional penalties and enforce remedial measures against the administrative violations specified in Article 23 and Article 24 hereof within their competence prescribed in Article 32 hereof and within the ambit of their assigned functions, duties and powers.

5. Competent officials of customs authorities shall have the power to impose administrative penalties, impose additional penalties and enforce remedial measures against the administrative violations specified in Article 22 and Article 23 hereof within their competence prescribed in Article 33 hereof and within the ambit of their assigned functions, duties and powers.

#### **Article 35. Determination of power to impose penalties**

1. Determination and delegation of the power to impose administrative penalties and enforce remedial measures shall comply with Article 52 of the Law on penalties for administrative violations.

2. Determination of the exhibits of violations (including forest products of endangered, rare and precious species) for using as the basis for determining fines and power to impose penalties shall be carried out in accordance with Article 60 of the Law on penalties for administrative violations and relevant laws.

### **Chapter IV**

#### **IMPLEMENTATION PROVISIONS**

#### **Article 36. Effect**

1. This Decree comes into force from June 10, 2019.

2. This Decree supersedes the Government's Decree No. 157/2013/ND-CP dated November 11, 2013 and Article 3 of the Government's Decree No. 41/2017/ND-CP dated April 05, 2017.

3. Administrative violations against regulations on major forest tree cultivars which are also prescribed in the Government's Decree No. 31/2016/ND-CP dated May 06, 2016 shall be handled in accordance with regulations herein.

#### **Article 37. Transition clauses**

1. The administrative violations committed before the effective date of this Decree shall be handled in accordance with regulations laid down in the Government's Decree No. 157/2013/ND-CP dated November 11, 2013, the Government's Decree No. 41/2017/ND-CP dated April 05, 2017, and the Government's Decree No. 31/2016/ND-CP dated May 06, 2016.

2. The administrative violations against regulations on forest management, development and protection and forest product management regarding trading of forest tree cultivars committed before this Decree takes effect and discovered afterwards shall be handled in accordance with regulations that are advantageous to the organizations and individuals at fault.

### **Article 38. Responsibility for implementation**

1. The Minister of Agriculture and Rural Development shall instruct and organize the implementation of this Decree.

2. Ministers, heads of ministerial agencies, heads of Governmental agencies and Chairpersons of People's Committees of provinces shall be responsible for the implementation of this Decree./.

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

**Nguyen Xuan Phuc**

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