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## Vietnam

**Post:** Hanoi

### Vietnam Imposes New Fines for Plant Health and Trade Violations

**Report Categories:**

Food and Agricultural Import Regulations and  
Standards - Narrative

Fresh Fruit

Dried Fruit

Potatoes and Potato Products

Snack Foods

Planting Seeds

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**Report Highlights:**

On October 3, 2013, the Vietnamese Government (GVN) released Decree 114/2013/ND-CP outlining a fine structure for violations of Vietnam's plant protection, plant quarantine, and plant breeding rights regulations. Decree 114 outlines sanctions, fines, and remedial measures for administrative and practical violations of Vietnam's plant health and seed breeding regulations and applies to the trade of local products and imported plant and plant-origin products, alike.

**Summary:**

On October 3, 2013, the GVN issued Decree 114/2013/ND-CP outlining a fine structure for violations of Vietnam's plant protection, plant quarantine, and plant breeding rights regulations. This Decree imposes a series of administrative sanctions, monetary fines, and remedial actions on Vietnamese and foreign actors that violate Vietnamese plant health regulations.

The Decree is divided into five chapters. Chapter 2 covers violations of Plant Breeding Varieties regulations, Chapter 3 covers violations of Plant Protection and Quarantine regulations, and Chapter 4 outlines which governmental authorities and agencies are able to sanction a violation. This new regulation applies to both Vietnamese and foreign entities operating in Vietnam in the field of plant breeding and the import / export of plant and plant protection products.

Chapter 3, outlining the violations of Plant Protection and Quarantine regulations, directly applies to the import and export plant and plant-origin products. Articles 19, 20, and 22 are specifically related to the trade in plant and plant products and assess fines ranging from 200,000 Vietnamese Dong (VND) (about 10 USD) to 30 million Vietnamese Dong (about 1,430 USD) for violations by individuals. Those fines are doubled if violations are by organizations. In addition to monetary fines, upon the 3<sup>rd</sup> violation involving a specific product by a specific importer, the consignment in question must be re-exported, according to this Decree.

Decree 114's broad ranging scope has already caused disruptions in the export of U.S. products to Vietnam. Recently, a number of U.S. exporters and local importers have reported that they were either: 1) informed by Vietnam's Plant Protection Department (PPD) upon attempting to obtain an import permit for a product (required for all imports of plant and plant-origin products) that shipments of the product in question must be accompanied by a Phytosanitary Certificate (PC) or 2) fined when a consignment arrived in Vietnam without the PC. At the same time, PPD has recently broadened the coverage of one of their key plant trade regulations, Circular 40/2012/TT-BNNPTNT (see [GAIN VM4005](#)), expanding its interpretation of the Circular's jurisdiction to include processed products of plant origin.

Circular 40's expanded jurisdiction requires that plant-origin products, processed and pre-packaged for human consumption, be accompanied by a government issued Phytosanitary Certificate. In some instances, USDA's Animal and Plant Health Inspection Service cannot issue Phytosanitary Certificates for the products PPD is now requiring such certification for, causing the importer of the consignment to be fined and ultimately forced to re-export the consignment if considered the 3<sup>rd</sup> violation. PPD's expanded coverage runs contrary to the principles of risk analysis outlined in the International Standards for Phytosanitary Measures (ISPM) Number 32 titled, "Categorization of Commodities According to Their Pest Risk" which states that many of the products targeted by PPD, pose minimal risk to plant health and therefore should not require phytosanitary certification. FAS-Vietnam is working with other USDA agencies to get clarification from PPD regarding their enforcement of Circular 40 with the goal of PPD enforcing the Circular in a manner which complies with ISPM 32. Should U.S. exporters of plant and plant-origin products have any questions please email: [aghanoi@fas.usda.gov](mailto:aghanoi@fas.usda.gov).

**The unofficial English translation of Decree 114, dated October 3, 2013, follows.**

**GOVERNMENT SOCIALIST REPUBLIC OF VIETNAM**

**Independence – Freedom – Happiness**

*Hanoi, October 3, 2013*

No.: 114/2013/NĐ-CP

**DECREE**  
**On sanctioning administrative violation**  
**in the field of plant breeding varieties, plant protection and quarantine**

*Pursuant to Law on organization of the Government dated December 25, 2001;*  
*Pursuant to Law on handling administrative violations dated June 20, 2012;*  
*Pursuant to Law on Intellectual Property dated November 29, 2005 and Law on amendment and supplement to some articles of Intellectual Property Law dated June 19, 2009;*  
*Pursuant to Ordinance on plant protection and quarantine dated July 25, 2001;*  
*Pursuant to Ordinance on plant varieties dated March 24, 2004;*  
*At the request of Minister of Agriculture and Rural Development,*  
*The Government promulgates Decree on sanctioning administrative violation in the field of plant varieties, plant protection and quarantine*

**Chapter I**  
**GENERAL PROVISIONS**

**Article 1. Scope of regulation**

1. The Decree prescribes acts of violation, forms of sanction, fines, and remedial measures to administrative violations, outlines the competence to sanction, and recordkeeping procedures for administrative violations in the field of plant breeding varieties, plant protection and quarantine.
2. Acts of administrative violation against regulation on plant breeding varieties, plant protection and quarantine prescribed in this Decree include:
  - a. Violation of the regulation on plant breeding varieties
  - b. Violation of the regulation on plant protection, plant quarantine, and plant protection products
3. Other acts of administrative violation against regulations on plant breeding varieties, plant protection and quarantine not prescribed in this Decree, shall be sanctioned under regulation of other Governmental Decrees on sanctioning administrative violation in the relevant field of state management.

**Article 2. Subjects of sanction**

The Decree is applicable to organizations and individuals that commit administrative violations relating to plant breeding varieties, plant protection and quarantine.

### **Article 3. Term of sanction**

1. The sanction of administrative violations in the field of plant breeding varieties, plant protection and quarantine shall run for a one-year period.
2. For acts of administrative violation against intellectual property of plant breeding varieties; producing, exporting, importing and trading plant varieties, plant protection products, plants and plant products, the sanction shall run for a two-year period.
3. The term of sanctioning an administrative violation prescribed in Clause 1, Clause 2 of this Article shall start under regulation of Item b, Clause 1, Article 6 of Law on handling administrative violations.

### **Article 4. Forms of sanction, remedial measures**

1. For an administrative violation in the field of plant breeding varieties, plant protection and quarantine, organizations and individuals shall face a main sanction, namely a warning or a fine.
2. Depending on nature and level of the violation, additional forms of sanction shall be imposed on the organizations and individuals as follows:
  - a. To deprive the right of holding a license and certificate of practice, including the Certificate of recognition for sources of planting materials; Decision on assigning plant varieties test; Certificate of fumigation practice; Certificate of eligibility for fumigation practice; Certificate of practice in producing, processing, bottling and packaging plant protection products; Certificate of practice in trading plant protection products; License of importing plant protection products; License of testing plant protection products, License of imported plant quarantine (plant products import permit);
  - b. To suspend an organization or individual's operations for a certain period of time;
  - c. To confiscate exhibits and the means of administrative violations in the field of plant breeding varieties, plant protection and quarantine.
3. In addition to remedial measures outlined in Items a, c, d, đ, e, g, h, I, Clause 1, Article 28 of Law on handling administrative violation, this Decree prescribes remedial measures as follows:
  - a. To compel an organization or individual to change the purpose of using plant seeds which are not in accordance with the regulated production process of each plant variety.
  - b. To compel an organization or individual to recycle plant protection products and their substances which are comprised of 70% or above active ingredients, compared with the relevant applied standard and corresponding specifications.

### **Article 5. Regulations on fines**

1. For acts of violation in the field of plant varieties, plant protection and quarantine, a maximum fine of 50 million VND shall be imposed on individuals and a maximum fine of 100 million VND shall be imposed on organizations.

2. Fines prescribed in this Decree are applicable to administrative violations of individuals. For organizations that commit the same acts of violation, fines shall be double as those of individuals, except for cases prescribed in Article 23, Article 24 of this Decree.

**Chapter 2**  
**ACTS OF ADMINISTRATIVE VIOLATION,**  
**FORMS OF SANCTION AND REMEDIAL MEASURES**  
**IN FIELD OF PLANT BREEDING VARIETIES**

**Article 6. Violation of managing, using and conserving plant genetic resources in protected areas**

1. A fine of 3 million VND to 5 million VND shall be imposed on an act of exploiting and using plant genetic resources in protected areas beyond the permitted limit set by competent state agency.
2. A fine of 7 million VND to 10 million VND shall be imposed on an act of exploiting and using plant genetic resources in protected areas without the permission of competent state agency.
3. A fine of 10 million VND to 15 million VND shall be imposed on any acts of violation as follows:
  - a. Appropriating genetic resources in protected areas;
  - b. Destroying plant genetic resources in protected areas, in the case that their original state can be restored.
4. A fine of 15 million VND to 20 million VND shall be imposed on an act of destroying plant genetic resources in protected areas, in the case that their original state cannot be restored.
5. Additional forms of sanction

To confiscate exhibits and means of violations prescribed in Clause 2 and Clause 3 of this Article.

6. Remedial measures

To compel an organization or individual to restore the environment's original state in instances of violations prescribed in Item b, Clause 3 of this Article.

**Article 7. Violation of collecting and conserving precious plant genetic resources in List of precious plant genetic resources that need be preserved**

1. A fine of 15 million VND to 20 million VND shall be imposed on any acts of violation as follows:
  - a. Appropriating precious genetic resources in protected areas;

- b. Destroying precious genetic resources in protected areas, in the case that their original state can be restored.
2. A fine of 30 million VND to 40 million VND shall be imposed on an act of destroying precious genetic resources that need be preserved, in the case that their original state cannot be restored.
3. Additional forms of sanction

To confiscate exhibits and means of violations, prescribed in Clause 1 and Clause 2 of this Article.

4. Remedial measures

To compel an organization or individual to restore the environment's original state in instances of violations prescribed in Item b Clause 1 of this Article.

#### **Article 8. Violation of exporting precious genetic resources and plant breeding varieties**

1. A fine of 10 million VND to 15 million VND shall be imposed on an act of exporting a precious genetic resource beyond the permitted quantity in documents approved by competent state agency.
2. A fine of 20 million VND to 30 million VND shall be imposed on an act of exporting precious genetic resources by incorrect name of those in documents approved by competent state agency.
3. A fine of 30 million VND to 40 million VND shall be imposed on an act of exporting precious genetic resources without the permission of competent state agency in written documents.
4. A fine of 40 million VND to 50 million VND shall be imposed on an act of exporting plant varieties which are on the list of precious plant varieties that are banned from exporting.
5. Additional forms of sanction

To confiscate exhibits and means of violations in Clause 1, 2, 3 and Clause 4 of this Article.

#### **Article 9. Violation of testing value for cultivation and use (VCU test); testing distinctness, uniformity and stability (DUS test)**

1. A fine of 3 million VND to 5 million VND shall be imposed on any individuals who are appointed to test, but maintaining testing conditions not adequate of being appointed by competent agency.
2. A fine of 7 million VND to 10 million VND shall be imposed on any individuals who are appointed to test, but not complying with current testing procedures.
3. A fine of 10 million VND to 15 million VND shall be imposed on any individuals who are appointed to test, but proclaiming incorrect testing results.

#### 4. Additional forms of sanction

To deprive the right of performing the Decision on testing appointment for 6 months to 12 months for an act of violation prescribed in Clause 3 of this Article.

#### 5. Remedial measures

To compel to correct the untrue information for an act of violation prescribed in Clause 3 of this Article.

### **Article 10. Violation of using new plant varieties in process of testing and pilot production**

1. A fine of 5 million VND to 10 million VND shall be imposed on an act of conducting a pilot production of plant varieties currently undergoing testing more than 30% above the permitted cultivating area for each plant variety.
2. A fine of 10 million VND to 15 million VND shall be imposed on any acts of violation after transferring plant varieties for pilot production as follows:
  - a. Not attaching the technical instruction of how to cultivate pilot varieties for producers;
  - b. Not including a contract or list of specified name, address of organizations, individuals that performed the pilot production; time and quantity of transferred varieties;
  - c. Not supervising and assessing plant varieties during the process of pilot production
3. A fine of 15 million VND to 20 million VND shall be imposed on any acts of violation as follows:
  - a. Transferring plant varieties to a pilot production greater than 30% of permitted cultivating area for each plant variety;
  - b. Performing pilot production in ecological areas that are not permitted by competent agencies.

### **Article 11. Violation of managing sources of planting materials of industrial plants and perennial fruit trees**

1. A fine of 5 million VND to 10 million VND shall be imposed on any acts of not complying with regulations on managing, using and exploiting sources of planting materials of industrial plants and perennial fruit trees as follows:
  - a. Plant varieties are not attached to codes;
  - b. Plant varieties do not meet criteria at the time of being recognized, are infected with dangerous diseases, degenerated;
  - c. Citrus trees  $S_0$ , citrus trees  $S_1$  are not planted in net houses that meet standards on preventing insect disease vectors;
  - d. Propagation materials are exploited beyond the permitted level prescribed in Certificate of recognition for sources of planting materials;

dd. A record of provision for propagation materials is not made.

2. Additional forms of sanction

To deprive the right of using Certificate of recognition for sources of planting materials within a period of 3 to 6 months regarding to acts of violation prescribed in Item b, c Clause 1 of this Article.

**Article 12. Violation against regulations on rights of Protection Certificate holder**

1. A fine of 20 million VND to 30 million VND shall be imposed for an act of using plant varieties whose application of protection for commercial purposes has been already accepted without paying compensation under regulations of Article 189, Law on intellectual property.
2. A fine of 40 million VND to 50 million VND shall be imposed on an act of using rights of holder of Protection Certificate relating to propagation materials of protected plant varieties without the agreement of holder of Plant Variety Protection Certificate in order to fulfill purposes as follows:
  - a. Producing or propagating;
  - b. Processing for propagation purposes;
  - c. Offering for sales;
  - d. Selling or performing activities of market approach;
  - dd. Exporting;
  - e. Importing;
  - g. Storing to perform one of acts prescribed in Item a, b, c, d, đ and e of this Clause;
  - h. Doing one of acts prescribed in Item a, b, c, d, đ and e of this Clause for plant varieties whose production requires to use protected plant varieties repeatedly;
  - i. Doing one of acts prescribed in Item a, b, c, d, đ and e of this Clause for plant varieties that are originated from the same or closely connected species of protected plant varieties;
3. A fine of 40 million VND to 50 million VND shall be imposed on an act of giving the same or similar names of protected plant varieties to those of same or closely connected species.
4. Additional forms of sanction

To confiscate exhibits and means of violation for acts prescribed in Clause 1, Clause 2 of this Article.

**Article 13. Violation against obligations of Protection Certificate holders and plant variety breeders**

1. A fine of 15 million VND to 25 million VND shall be imposed on any violations as follows:
  - a. Holder of Protection Certificate does not transfer the rights of using protected plant varieties under compulsory decision on transferring of competent agency;



- b. Holder of Protection Certificate does not pay remuneration to breeder of plant varieties under regulations;
  - c. Holder of Protection Certificate who does not maintain the distinctness, uniformity, stability of protected plant varieties as at the time of being granted Protection Certificate still exploits and uses propagation materials;
  - d. Breeder of plant varieties does not comply with obligations of assisting holder of Protection Certificate to maintain propagation materials of protected plant varieties.
2. A fine of 20 million VND to 30 million VND shall be imposed on an act of using Protection Certificate that has expired, suspended, or invalid.
  3. A fine of 40 million VND to 50 million VND shall be imposed on an act of using a false Certificate of Protection to obtain the rights for plant varieties.
  4. Additional forms of sanction

To confiscate plant varieties for acts of violation prescribed in Clause 2, Clause 3 of this Article

5. Remedial measures

To compel to revoke false Certificate of Protection for violations prescribed in Clause 3 of this Article

#### **Article 14. Violation against conditions of producing and trading main plant varieties**

1. A fine of 5 million VND to 10 million VND shall be imposed on any acts violating the conditions of producing and trading main plant varieties as follows:
  - a. Business location and material, technical facilities are not in accordance with each plant and each variety;
  - b. Technical employees who achieve intermediate level of Cultivation and Plant Protection or above, or Certificate of techniques in producing main plant varieties are not available or hired.
2. A fine of 10 million VND to 20 million VND shall be imposed on any acts violating conditions in producing and trading main plant varieties as follows:
  - a. Business location is not in accordance with the planning of agricultural sector, regulations on production requirements of each plant and each variety;
  - b. Material and technical facilities are not in accordance with the technical production process of each plant and each variety;
  - c. Technical employees who achieve intermediate level of Cultivation and Plant Protection or above or Certificate of techniques in producing certified seeds are not available or hired.
  - d. Technical employees who achieve university level of Agronomy, Cultivation and Plant Protection or above in the field of producing pre-basic, basic, parent, and hybrid seeds F1 are not available or hired.

#### **Article 15. Violation of producing plant varieties**

1. A fine of 5 million VND to 10 million VND shall be imposed on an act of not complying with the production process of each plant variety level when producing plant varieties.
2. A fine of 15 million VND to 25 million VND shall be imposed on any acts of violation as follows:
  - a. Industrial plants, perennial fruit trees, forest trees fertilized by cloning method are not taken from selected and recognized sources of planting materials;
  - b. Main varieties of forest trees are not taken from propagation materials of selected and recognized parent plants, sources of planting materials or forest seeds bank.
3. A fine of 40 million VND to 50 million VND shall be imposed on an act of commercially producing plant varieties that are not included in the list of plant varieties permitted to be produced and traded in Vietnam, have not been recognized as new plant varieties, or have not been approved for production by Ministry of Agriculture and Rural Development in writing.
4. Additional forms of sanction

To confiscate plant varieties for acts of violation as prescribed in Clause 2, Clause 3 of this Article

5. Remedial measures

To compel to revoke and change purpose of using plant seeds or destroy them for violations as prescribed in Clause 1 of this Article

#### **Article 16. Violation of trading plant varieties**

1. A fine of 15 million VND to 25 million VND shall be imposed on an act of trading plant varieties that are not included in the list of plant varieties permitted to be produced and traded in Vietnam or have not been recognized as new plant varieties by Ministry of Agriculture and Rural Development.
2. Additional forms of sanction

To confiscate plant varieties for acts of violation prescribed in Clause 1 of this Article

3. Remedial measures

To compel to destroy plant varieties for violations prescribed in Clause 1 of this Article

#### **Article 17. Violation of exporting and importing plant varieties, plant genetic resources that are not precious**

1. A fine of 15 million VND to 25 million VND shall be imposed on an act of importing plant varieties and plant genetic resources that are not prescribed in documents approved by Ministry of Agriculture and Rural Development.
2. A fine of 30 million VND to 40 million VND shall be imposed on an act of importing plant varieties and plant genetic resources that have not been permitted by Ministry of Agriculture and Rural Development in written document.
3. A fine of 40 million VND to 50 million VND shall be imposed on an act of importing plant genetic resources, plant varieties that harm human health, environment and ecosystem.
4. Additional forms of sanction

To confiscate plant varieties for acts of violation prescribed in Clause 3 of this Article

5. Remedial measures
  - a. To compel to re-export or destroy plant varieties, plant genetic resources for violations prescribed in Clause 1, Clause 2 of this Article.
  - b. To compel to destroy plant varieties, plant genetic resources for violations prescribed in Clause 3 of this Article.

**Article 18. Violation against regulations on managing the license and certificate of practice in plant varieties**

1. A fine of 1 million VND to 3 million VND shall be imposed on an act of using another person's license, certificate of practice in plant varieties to run an operation, including as follows:
  - a. Certificate of recognition for sources of planting materials;
  - b. Decision on assigning plant varieties test;
  - c. Certificate of plant variety sampler, examiner, tester; Card of plant variety tester
  - d. Certificate of practice representing rights for plant varieties;
  - dd. License of exporting, importing plant genetic resources
2. A fine of 3 million VND to 5 million VND shall be imposed on an act of intentionally erasing, revising to falsify the content of documents, including as follows:
  - a. All documents prescribed in Clause 1 of this Article;
  - b. Certificate of conforming plant varieties;
  - c. Testing record, testing results of plant variety samples.
3. A fine of 10 million VND to 20 million VND shall be imposed on an act of making false documents, application for re-granting documents prescribed in Clause 2 of this Article, but not serious enough for criminal prosecution.

#### 4. Remedial measures

To compel to revoke all documents, applications for violations prescribed in Clause 2 and Clause 3 of this Article.

### **Chapter III ACTS OF ADMINISTRATIVE VIOLATION, FORMS OF SANCTION AND REMEDIAL MEASURES IN THE FIELD OF PLANT PROTECTION AND QUARANTINE**

#### **Article 19. Violation against regulations on preventing, dealing with harmful organisms to plant resources**

1. A warning fine or a fine of VND 200,000 to VND500,000 shall be imposed on any acts of violation as follows:
  - a. Persons who directly get involved in plant protection but are not qualified to perform plant protection under legal regulations;
  - b. Measures to protect plant resources from harmful organisms are intentionally not performed in accordance with the requirement and guidance of competent state agency.
2. A fine of 1 million VND to 3 million VND shall be imposed on any acts of violation as follows:
  - a. Bringing disease-infected plants and plant products that have been publicly announced and not settled yet out of epidemic area;
  - b. Not providing staff and facilities to examine quarantined objects when being requested by plant protection and quarantine agencies without legitimate reasons.
3. A fine of 3 million VND to 6 million VND shall be imposed on any acts of violation as follows:
  - a. Using and transporting disease-infected plant varieties and materials from an epidemic area to another area.
  - b. Importing, transporting, breeding, storing or releasing harmful pests that pose danger to plant resources without the written permission of Minister of Agriculture and Rural Development.
4. A fine of 6 million VND to 12 million VND shall be imposed on any acts of violation prescribed in Clause 3 of this Article undertaken for commercial purposes.

#### 5. Remedial measures

To compel to destroy the dangerous plants, plant products, seeds and harmful pests violating Item a, Clause 2 and Clause 3 of this Article.

#### **Article 20. Violation against regulations on export, import, and transit plant quarantine**

1. A fine of 1 million VND to 2 million VND shall be imposed on an act of not conducting procedures of plant quarantine declaration before importing, exporting, or transiting plant products, in cases that these plants are required to be quarantined.
2. A fine of 5 million VND to 10 million VND shall be imposed on any acts of violation as follows:
  - a. Importing plants that are required to be quarantined without doing procedures of quarantine at the border gate;
  - b. Importing plants that are required to be quarantined into Vietnam without presenting the Certificate of plant quarantine issued by the exporter;
  - c. Importing plants that are required to have a License of plant quarantine, without presenting the License or complying with treatment measures on the License;
  - d. Transiting plants that are required to be quarantined without the permission of Vietnam's competent agencies of plant quarantine;
  - dd. Transiting plants that are required to be quarantined without applying measures of pest mitigation under Vietnam's regulations;
  - e. Transiting plants that are required to be quarantined without complying with the roadmap of the plant quarantine agency; or storing transited plants that are required to be quarantined in Vietnam beyond the permitted period;
  - f. Not dealing with wooden packages in accordance with regulations;
  - g. Importing plants that are required to be quarantined for harmful diseases of regulated subjects into Vietnam, or strange, living, harmful organisms
3. A fine of 10 million VND to 20 million VND shall be imposed on any acts of violation as follows:
  - a. Declaring falsely, concealing and dispersing plants that are required to be quarantined when the plant quarantine agency is quarantining batches of exported or imported goods;
  - b. Adding plants that are required to be quarantined and have not been quarantined into a batch of goods that have already been provided a certificate of plant quarantine;
  - c. Intentionally removing the seals, loading and unloading, transporting, moving and cutting carriages of export, import, transit goods on transportation means that are being examined and supervised by the plant quarantine agency.
4. A fine of 20 million VND to 30 million VND shall be imposed on any acts of violation as follows:
  - a. Taking Vietnam quarantine pests, or strange, living, harmful organisms into Vietnam without the permission of Minister of Agriculture and Rural Development;
  - b. Taking soil that contains harmful organisms into Vietnam;
  - c. Not re-exporting plants that are required to be quarantined for harmful diseases in the time allotted by the plant quarantine agency;

- d. Transporting plants that are required to be quarantined and infected with harmful diseases without being settled completely yet under assignment of plant quarantine agency.
5. Remedial measures
- a. To compel re-export or seizing plants that are required to be removed from Vietnam within 30 days after the decision of the plant quarantine agency for violations prescribed in Item d, đ Clause 2 and Item b, Clause 4 of this Article or Item b, c Clause 2 of this Article upon committing the 3<sup>rd</sup> violation or above;
  - b. To compel to destroy plants that are required to be quarantined right after issuing decision of the plant quarantine agency for violations prescribed in Item a, Clause 4 of this Article;
  - c. To compel to deal with wooden packages for violations prescribed in Item g Clause 2 of this Article, re-export them, or destroy them upon committing the 3<sup>rd</sup> violation or above.
  - d. To compel re-export or seize plants that are required to be removed from Vietnam or treat them domestically, if possible, for violations prescribed in Item b, Clause 2 of this Article;

**Article 21. Violation against regulations on domestic plant quarantine**

- 1. A warning fine or a fine of 200,000 VND to 500,000 VND shall be imposed on an act of not having a plant quarantine certificate of competent state agencies in the departing region when transporting plants that are required to be quarantined out of an epidemic area.
- 2. A fine of 1 million VND to 2 million VND shall be imposed on acts of violation:
  - a. Not complying with regulations on transporting, loading and unloading plants that are required to be quarantined for harmful diseases of regulated subjects, strange harmful organisms;
  - b. Transporting plants that are required to be quarantined to places not prescribed in the License of imported plant quarantine;
- 3. A fine of 3 million VND to 5 million VND shall be imposed on acts of violation:
  - a. Transporting harmful pests that are in regulated subjects and strange, harmful organisms to regions of Vietnam;
  - b. Not complying with regulations of the plant quarantine agency on transporting or circulating plants required to be quarantined and concluded to be infected with harmful diseases of regulated subjects, or strange, harmful organisms;
  - c. Not complying with measures of zoning, surrounding and destroying nests of diseases, harmful pests of regulated subjects or strange, harmful organisms under the order of plant quarantine agency.
- 4. A fine of 5 million VND to 10 million VND shall be imposed on any acts of not complying with regulations on dealing with plants that are required to be quarantined for having a regulated quarantine pest of Vietnam or strange, harmful organisms.

5. A fine of 10 million VND to 20 million VND shall be imposed on any acts of not complying with regulations and decision of plant quarantine agency on dealing with harmful contagious diseases.
6. Remedial measures
  - a. To compel to carry out measures of preventing the spread of harmful diseases for violations prescribed in Clause 2, Clause 3, Clause 5 of this Article;
  - b. To compel to destroy plants that are required to be quarantined for harmful diseases for violations prescribed in Clause 5 of this Article.

**Article 22. Violation against regulations on plant quarantine of imported plant breeding varieties and useful organisms**

1. A fine of 1 million VND to 3 million VND shall be imposed on owner of plants that are required to be quarantined, but do not make a declaration to the competent state agencies on plant protection and quarantine when cultivating an imported plant variety in an area for the first time.
2. A fine of 5 million VND to 10 million VND shall be imposed on acts of violation:
  - a. Not complying with regulations on importing, breeding and using useful organisms;
  - b. Not sowing and planting a first-time imported plant variety in accordance with the conditions on the License of imported plant quarantine issued by plant quarantine agency.
3. A fine of 15 million VND to 20 million VND shall be imposed on an act of planting, producing a first-time imported plant variety while the disease infection status on that plant variety has not been revealed to the plant quarantine agency.
4. Remedial measures

To compel to destroy imported plant varieties for violations prescribed in Item b Clause 2, Clause 3 of this Article.

**Article 23. Violation against regulations on fumigation**

1. A fine of 10 million VND to 20 million VND shall be imposed on fumigation organizations committing acts of violation as follows:
  - a. Direct managers do not have the Certificate of fumigation practice under regulations;
  - b. Employees who perform fumigation do not have the Card of fumigation practice;
  - c. Fumigation is performed with no technical process, lack of means and facilities of practice under regulations;
  - d. The storehouse of disinfecting chemicals is not in accordance with the standards set by competent agencies.

2. A fine of 15 million VND to 20 million VND shall be imposed on establishments of fumigation committing acts of violation as follows:
  - a. Using fumigation drugs not on the List of plant protection products permitted and restricted for use in Vietnam;
  - b. Using fumigation drugs that are not in accordance with applied standards and corresponding specifications, have been not labeled under regulations, or are of unknown origin;
  - c. Not carrying out fumigation in accordance with technical process of fumigation;
  - d. Performing fumigation practice without Certificate of eligibility for fumigation practice or with an expired Certificate of eligibility for fumigation practice.
3. A fine of 20 million VND to 30 million VND shall be imposed on establishments of fumigation committing acts of violation as follows:
  - a. Using fumigation drugs which are prohibited for use in Vietnam by the List of plant protection products;
  - b. Using fumigation drugs incorrectly, which causes adverse effect on the quality of plants that are required to be quarantined and fumigated;
4. Additional forms of sanction
  - a. To deprive the right of using Certificate of fumigation practice from a period of 1 to 3 months if having aggravating details for acts of violation prescribed in Item c Clause 2 of this Article;
  - b. To deprive the right of using Certificate of eligibility for fumigation practice from a period of 1 to 3 months for acts of violation prescribed in Item a, b Clause 2 and Clause 3 of this Article;
  - c. To suspend the operation of fumigation establishments from a period of 1 to 3 months for acts of violation prescribed in Clause 1, Item d Clause 2 of this Article.

**Article 24. Violation against regulations on producing, processing, bottling and packaging plant protection products**

1. A fine of 10 million VND to 15 million VND shall be imposed on organizations whose direct managers of producing, processing, bottling and packaging plant protection products do not have certificate of practice.
2. A fine of 15 million VND to 20 million VND shall be imposed on organizations which commit violations in the areas of producing, processing, bottling and packaging plant protection products as follows:
  - a. Products are not in conformity with applied standards and corresponding specifications;
  - b. Origin of finished products is not the same as registered one.
3. A fine of 20 million VND to 30 million VND shall be imposed on organizations which commit acts of violation as follows:



- a. Bottling and packaging out-of-date finished products; producing and processing out-of-date ingredients of products;
  - b. Packaging products in the form of glass syringes.
4. A fine of 30 million VND to 50 million VND shall be imposed on organizations which commit violations in the areas of producing, processing, bottling and packaging plant protection products as follows:
- a. Plant protection products are not included in the List of plant protection products permitted and restricted for use in Vietnam;
  - b. Plant protection products are included in List of plant protection products as prohibited for use in Vietnam; or contain 50 kg (or liters) of finished product in weight.
5. Additional forms of sanction
- a. To deprive the right of using Certificate of practice in producing, processing, bottling and packaging plant protection products for a period of 1 to 3 months for acts of violation prescribed in Clause 3, Clause 4 of this Article;
  - b. To confiscate exhibits and means for acts of violation prescribed in Clause 4 of this Article;
6. Remedial measures
- a. To compel to destroy or recycle the recyclable products of plant protection for violations prescribed in Item a, Clause 2 of this Article;
  - b. To compel to destroy or recycle the recyclable products of plant protection, their ingredients for violations prescribed in Item a, Clause 3 of this Article;
  - c. To compel to destroy ingredients of plant protection product for violations prescribed in Item b Clause 3 and Clause 4 of this Article;
  - d. To publish on mass media information about violations prescribed in Clause 2 of this Article; when causing a huge consequence or negative influence on the public.

**Article 25. Violation against regulations on trading plant protection products and their ingredients**

1. A fine of 1 million VND to 2 million VND shall be imposed on violations as follows:
- a. Not having Certificate of practice in trading plant protection products;
  - b. Not having store or storehouse of plant protection products or having store or storehouse of plant protection that are not in accordance with regulations;
  - c. Trading plant protection products and its ingredients together with animal feed, food, beverage, medicine, veterinary medicine or other consumption goods or materials except fertilizer;
  - d. Trading plant protection products after their expiration date, are not in accordance with applied standards and corresponding specifications, or are not on the List of plant protection products permitted and restricted for use in Vietnam with 5 kg (or liters) of finished products by weight;

- dd. Trading plant protection products that are not provided with the certificate of annual training in new legal documents that are published by provincial, municipal Sub-Department of plant protection under central authority.
2. A fine of 2 million VND to 3 million VND shall be imposed on violations as follows:
    - a. Trading plant protection products after their expiration date, are not in accordance with applied standards and corresponding specifications, or are not on the List of plant protection products permitted and restricted for use in Vietnam with 5 kg (or liters) to less than 20 kg (or liters) of finished products by weight;
    - b. Trading plant protection products that are prohibited in Vietnam with 3 kg (or liters) of finished products by weight;
  3. A fine of 3 million VND to 5 million VND shall be imposed on violations as follows:
    - a. Trading plant protection products after their expiration date, are not in accordance with applied standards and corresponding specifications, or are not on the List of plant protection products permitted and restricted to use in Vietnam with 20 kg (or liters) to less than 100 kg (or liters) of finished products by weight;
    - b. Trading plant protection products that are prohibited in Vietnam with 3 kg (or liters) to less than 5 kg (or liters) of finished products by weight;
    - c. Intentionally re-bottling, extracting plant protection products from large packages into smaller bottles and packages for trade;
    - d. Trading plant protection products in the form of glass syringes;
    - dd. Salesmen violate regulations on selling and instructing how to use plant protection products.
  4. A fine of 5 million VND to 10 million VND shall be imposed on violations as follows:
    - a. Trading plant protection products after their expiration date, are not in accordance with applied standards and corresponding specifications, or not in List of plant protection products permitted and restricted to use in Vietnam with 100 kg (or liters) to less than 300 kg (or liters) of finished products by weight;
    - b. Trading plant protection products that are prohibited in Vietnam with 5 kg (or liters) to less than 10 kg (or liters) finished products by weight.
  5. A fine of 10 million VND to 20 million VND shall be imposed on violations as follows:
    - a. Trading plant protection products after their expiration date, are not in accordance with applied standards and corresponding specifications, or are not on the List of plant protection products permitted and restricted for use in Vietnam with 300 kg (or liters) to less than 500 kg (or liters) of finished products by weight;
    - b. Trading plant protection products that are prohibited in Vietnam with 10 kg (or liters) to less than 20 kg (or liters) of finished products by weight.
  6. A fine of 30 million VND to 40 million VND shall be imposed on violations as follows:

- a. Trading plant protection products after their expiration date, or are not in accordance with applied standards and corresponding specifications, or are not on the List of plant protection products permitted and restricted for use in Vietnam with 500 kg (or liters) to less than 1000 kg (or liters) of finished products by weight;
  - b. Trading plant protection products that are prohibited in Vietnam with 20 kg (or liters) to less than 30 kg (or liters) finished products by weight.
7. A fine of 40 million VND to 50 million VND shall be imposed on violations as follows:
- a. Trading plant protection products after their expiration date, or are not in accordance with applied standards and corresponding specifications, or are not in List of plant protection products permitted and restricted for use in Vietnam with 1000 kg (or liters) and above of finished products by weight;
  - b. Trading plant protection products that are prohibited in Vietnam with 30 kg (or liters) to less than 50 kg (or liters) finished products by weight;
8. Additional forms of sanction

To deprive the right of using the Certificate of trading plant protection products from a period of 1 to 3 months for violations prescribed in Clause 3, Clause 4, Clause 5 and Clause 7 of this Article.

9. Remedial measures
- a. To compel to revoke to return producer for destroying or recycling the recyclable products that are expired, or are not in accordance with applied standards and corresponding specifications prescribed in Item d Clause 1, Item a Clause 2, Item a Clause 3, Item a Clause 4, Item a Clause 5, Item a Clause 6, Item a Clause 7 of this Article;
  - b. To compel to destroy banned products of plant protection that are not on the List of plant protection products permitted and restricted for use in Vietnam or are in the form of glass syringes for acts of violation prescribed in Item d Clause 1, Clause 2, Item a, b, d Clause 3, Clause 4, Clause 5, Clause 6, Clause 7 of this Article;

**Article 26. Violation against regulations on using plant protection products**

- 1. A warning fine or a fine of 200,000 VND to 500,000 VND shall be imposed on an act of not complying with the instruction on label or package of plant protection products;
- 2. A fine of 5 hundred thousand VND to 1 million VND shall be imposed on violations as follows:
  - a. Using plant protection products that are not on the List of plant protection products permitted and restricted for use in Vietnam;
  - b. Using plant protection products that are in the form of glass syringes
- 3. A fine of 1 million VND to 3 million VND shall be imposed on violations as follows:
  - a. Using plant protection products that are prohibited in Vietnam;

- b. Not complying with the instruction of how to use plant protection products on package, which poses danger to human beings, livestock, and causes environmental pollution.
4. Remedial measures
- a. To compel to destroy products for acts of violation prescribed in Clause 2 and Item a Clause 3 of this Article;
  - b. To compel to carry out measures of preventing environmental pollution for acts of violation prescribed in Item b Clause 3 of this Article.

#### **Article 27. Violation against regulations on transporting plant protection products**

- 1. A warning or a fine of 5 hundred thousand VND to 1 million VND shall be imposed on violations as follows:
  - a. Not meeting the technical requirements of transportation in order to transport plant protection products and their ingredients;
  - b. Transporting plant protection products and their ingredients together with domestic animals, animal breed, food, beverages, medicine, veterinary medicine or other consumption goods and materials, except fertilizer;
  - c. Transporting chemical products of plant protection on public transportation.
- 2. Forms of sanctioning administrative violation on trading plant protection products prescribed in Article 25 of this Decree shall be imposed on an act of transporting plant protection products and their ingredients that are not included on the List of plant protection products permitted and restricted for use in Vietnam.

#### **Article 28. Violation against regulations on importing plant protection products**

- 1. A fine of 3 million VND to 5 million VND shall be imposed on an act of not complying with national specifications, or applied standards and corresponding specifications of importing plant protection products and their ingredients.
- 2. A fine of 15 million VND to 30 million VND shall be imposed on any acts of violation as follows:
  - a. Importing plant protection products or their ingredients that are not on the List of plant protection products permitted for use in Vietnam without an import license issued by Ministry of Agriculture and Rural Development;
  - b. Importing plant protection products or their ingredients that are expired, of unknown origin, or in the form of glass syringes;
  - c. Importing plant protection products or their ingredients that are on the List of plant protection products for restricted use in Vietnam which are not prescribed in the import license;
  - d. Circulating and using plant protection products or their ingredients which have not been tested by the state.

3. A fine of 20 million VND to 40 million VND shall be imposed on an act of importing products on the List of plant protection products restricted for use in Vietnam without the import license of plant protection products issued by Ministry of Agriculture and Rural Development;
4. A fine of 40 million VND to 50 million VND shall be imposed on an act of importing plant protection product and its ingredients on the List of plant protection products prohibited for use in Vietnam without an import license of plant protection products issued by Ministry of Agriculture and Rural Development;
5. Remedial measures
  - a. To compel to re-export plant protection products and their ingredients for acts of violation prescribed in Clause 1 of this Article;
  - b. To compel to re-export or destroy plant protection products and their ingredients for acts of violation prescribed in Item a, b, c Clause 2, Clause 3 and Clause 4 of this Article

**Article 29. Violation against regulations on testing plant protection products**

1. A fine of 3 million VND to 5 million VND shall be imposed on an act of not complying with the content of license on testing new plant protection products.
2. A fine of 10 million VND to 20 million VND shall be imposed on an act of testing new plant protection products without license.

**Article 30. Violation against regulations on the labeling of plant protection products**

1. A fine of 10 million VND to 20 million VND shall be imposed on an act of attaching a label, sub-label, or documents of plant protection products that are not in accordance with the Certificate of registering plant protection products and the content of label that has been approved for registration.
2. Remedial measures

To compel to revoke plant protection products that contain the incorrect label or to re-correct label under regulations for acts of violation prescribed in Clause 1 of this Article.

**Article 31. Violation against regulations on managing license, certificate of practice on plant protection and quarantine**

1. A fine of 1 million VND to 3 million VND shall be imposed on an act of using another person's license or certificate of practice to run an operation, as follows:
  - a. License of importing plant protection products;
  - b. License of testing plant protection products;
  - c. Certificate of registering plant protection products;
  - d. Certificate of imported plant quarantine, Certificate of plant quarantine;

- dd. Certificate of practice in producing, processing, bottling and packaging plant protection products; Certificate of fumigation practice;
  - e. Certificate of eligibility for fumigation practice;
  - f. Card of fumigation
2. A fine of 3 million VND to 5 million VND shall be imposed on an act of intentionally erasing or revising to falsify the content of documents, as follows:
    - a. All documents prescribed in Clause 1 of this Article;
    - b. Certificate of testing quality and residue of plant protection products.
  3. A fine of 10 million VND to 20 million VND shall be imposed on an act of making false documents or applications for re-granting documents prescribed in Clause 2 of this Article, but not serious enough for criminal prosecution.
  4. Remedial measures

To compel to revoke documents and applications for acts of violation prescribed in Clause 2 and Clause 3 of this Article.

#### **Chapter IV**

### **COMPETENCE TO SANCTION ADMINISTRATIVE VIOLATIONS**

#### **Article 32. Competence to sanction administrative violations of People’s Committee at all levels**

1. Chairman of Commune People’s Committee have a right:
  - a. To impose a warning;
  - b. To impose a fine of up to 5 million VND;
  - c. To confiscate exhibits and means of administrative violation valued up to 5 million VND;
  - d. To apply remedial measures prescribed in Item a, c and d Clause 1, Article 28 of Law on handling administrative violation.
2. Chairman of District People’s Committee have a right:
  - a. To impose a warning;
  - b. To impose a fine of up to 25 million VND;
  - c. To deprive the right of holding license, certificate of practice or suspend the operation within a certain period;
  - d. To confiscate exhibits and means of administrative violation valued up to 25 million VND;
  - dd. To apply remedial measures prescribed in Item a, c, dd, e, h, i Clause 1, Article 28 of Law on handling administrative violation and Clause 3, Article 4 of this Decree.
3. Chairman of Provincial People’s Committee have a right:
  - a. To impose a warning;

- b. To impose a fine of up to 50 million VND;
- c. To deprive the right of holding license, certificate of practice or suspend the operation within a certain period;
- d. To confiscate exhibits and means of administrative violation;
- dd. To apply remedial measures prescribed in Item a, c, d, dd, e, g, h, i Clause 1, Article 28 of Law on handling administrative violation and Clause 3, Article 4 of this Decree.

**Article 33. Competence of specialized inspectors in the field of plant varieties to sanction administrative violations**

Specialized inspectors in the field of plant varieties have competence to sanction acts of administrative violation prescribed in Chapter II of this Decree as follows:

1. Inspectors of Agriculture and Rural Development sector, who are assigned to carry out specialized inspection and on duty have a right:
  - a. To impose a warning;
  - b. To impose a fine of up to 5 hundred thousand VND;
  - c. To confiscate exhibits and means of administrative violation valued up to 5 hundred thousand VND;
  - d. To apply remedial measures prescribed in Item a, c and đ Clause 1, Article 28 of Law on handling administrative violation.
2. Chief Inspector of Department of Agriculture and Rural Development; Manager of Sub-Department of Forestry, Sub-Department of Fisheries, Plant Protection Sub-Department; Head of specialized inspection team of Department of Agriculture and Rural Development; Head of specialized inspection team of Vietnam Administration of Forestry, Directorate of Fisheries, Department of Crop Production, Sub-Department of Forestry, Sub-Department of Fisheries, Plant Protection Sub-Department, who are assigned to manage plant varieties have a right:
  - a. To impose a warning;
  - b. To impose a fine of up to 25 million VND;
  - c. To deprive the right of holding license, certificate of practice or suspend the operation within a certain period;
  - d. To confiscate exhibits and means of administrative violation valued up to 25 million VND;
 đ) To apply remedial measures prescribed in Item a, c, d, đ, e, g, h, i, Clause 1, Article 28 of Law on handling administrative violation and Item a, Clause 3, Article 4 of this Decree.
3. Head of specialized inspection team of Ministry of Agriculture and Rural Development has a right:
  - a. To impose a warning;
  - b. To impose a fine of up to 35 million VND;
  - c. To deprive the right of holding license, certificate of practice or suspend the operation within a certain period;
  - d. To confiscate exhibits and means of administrative violation valued up to 35 million VND;

- dd. To apply remedial measures prescribed in Item a, c, d, dd, e, g, h, i Clause 1, Article 28 of Law on handling administrative violation and Item a Clause 3, Article 4 of this Decree.
- 4. Chief Inspector of Ministry of Agriculture and Rural Development, Director General of Vietnam Administration of Forestry, Director General of Directorate of Fisheries, Director General of Department of Crop Production have a right:
  - a. To impose a warning;
  - b. To impose a fine of up to 50 million VND;
  - c. To deprive the right of holding license, certificate of practice or suspend the operation within a certain period;
  - d. To confiscate exhibits and means of administrative violation;
  - dd. To apply remedial measures prescribed in Item a, c, d, dd, e, g, h, i Clause 1, Article 28 of Law on handling administrative violation and Item a Clause 3, Article 4 of this Decree.

**Article 34. Competence of specialized inspectors in the field of plant protection and quarantine to sanction administrative violation**

Specialized inspectors in the field of plant protection and quarantine have competence to sanction acts of administrative violation prescribed in Chapter III of this Decree as follows:

1. Inspectors in Agriculture and Rural Development sector, who are assigned to carry out specialized inspection and on duty achieve rights as prescribed in Clause 1, Article 33 of this Decree.
2. Chief Inspector of Department of Agriculture and Rural Development; Director General of Plant Protection Sub-Department; Head of specialized inspection team of Department of Agriculture and Rural Development; Head of specialized inspection team of Plant Protection Department, Plant Protection Sub-Department have a right:
  - a. To impose a warning;
  - b. To impose a fine of up to 25 million VND;
  - c. To deprive the right of holding license, certificate of eligibility, certificate of practice on plant protection and quarantine or suspend the operation within a certain period;
  - d. To confiscate exhibits and means of administrative violation valued up to 25 million VND;
  - dd. To apply remedial measures prescribed in Item a, c, d, dd, e, g, h, i, Clause 1, Article 28 of Law on handling administrative violation and Item b, Clause 3, Article 4 of this Decree.
3. Head of specialized inspection team of Ministry of Agriculture and Rural Development have a right:
  - a. To impose a warning;
  - b. To impose a fine of up to 35 million VND;
  - c. To deprive the right of holding license, certificate of practice or suspend the operation within a certain period;
  - d. To confiscate exhibits and means of administrative violation valued up to 35 million VND;



- dd. To apply remedial measures prescribed in Item a, c, d, dd, e, g, h, i, Clause 1, Article 28 of Law on handling administrative violation and Item b, Clause 3, Article 4 of this Decree.
- 4. Chief Inspector of Ministry of Agriculture and Rural Development, Director General of Plant Protection Department have a right:
  - a. To impose a warning;
  - b. To impose a fine of up to 50 million VND;
  - c. To deprive the right of holding license, certificate of eligibility, certificate of practice on plant protection and quarantine or suspend the operation within a certain period;
  - d. To confiscate exhibits and means of administrative violation;
  - dd. To apply remedial measures prescribed in Item a, c, d, dd, e, g, h, i Clause 1, Article 28 of Law on handling administrative violation and Item b Clause 3, Article 4 of this Decree.

**Article 35. Competence of people’s public security, customs, market management and specialized inspection agencies in other fields to sanction administrative violation**

- 1. Officers of Public Security agencies, who have competence of sanction, shall achieve an authority to examine, make a record of violation, sanction and impose remedial measures on acts of administrative violation that are prescribed in this Decree and belong to the field of their management under regulations of Article 39 and Article 52 of Law on handling administrative violation.
- 2. Officers of Customs agencies, who have competence of sanction, shall achieve an authority to examine, make a record of violation, sanction and impose remedial measures on acts of administrative violation that are prescribed in this Decree and related to exporting, importing goods, services relating to exporting, importing goods in the field of their management under regulations of Article 42 and Article 52 of Law on handling administrative violation.
- 3. Officers of Market management agencies, who have competence of sanction, shall achieve an authority to examine, make a record of violation, sanction and impose remedial measures on acts of administrative violation that are prescribed in this Decree and belong to the field of their management under regulations of Article 45 and Article 52 of Law on handling administrative violation.
- 4. Officers of Inspection agencies specialized in other fields, who have competence of sanction, shall achieve an authority to examine, make a record of violation, sanction and impose remedial measures on acts of administrative violation that are prescribed in this Decree and belong to the field of their management under regulations of Article 46 and Article 52 of Law on handling administrative violation.

**Article 36. Competence to make a record of administrative violation**

- 1. Persons who have competence of sanction under this Decree.

2. Civil servants, officers who are working in the field of plant varieties, plant protection and quarantine.

## **Chapter V IMPLEMENTATION PROVISIONS**

### **Article 37. Effect of implementation**

1. This Decree takes effect from November 20, 2013.
2. This Decree replaces Governmental Decree 26/2003/NĐ-CP dated June 3, 2003 on sanctioning administrative violation in the field of plant protection and quarantine; Governmental Decree 57/2005/NĐ-CP dated April 27, 2005 on sanctioning administrative violation in the field of plant varieties; Governmental Decree 172/2007/NĐ-CP dated November 28, 2007 on revising and supplementing some articles to Governmental Decree 57/2005/NĐ-CP dated April 27, 2005 on sanctioning administrative violation in the field of plant varieties.

### **Article 38. Transitional provisions**

For acts of administrative violation in the field of plant varieties, plant protection and quarantine that are committed before this Decree takes effect, detected afterwards or being considered, settled; beneficial regulations shall be imposed on violating individuals and organizations.

### **Article 39. Responsibilities of implementation**

1. Minister of Agriculture and Rural Development is responsible for providing specific guidance and implementing this Decree.
2. Ministers, Heads of Ministerial-level agencies, Heads of Governmental agencies, Chairmen of Central People's Committee under Central authority are responsible for implementing this Decree./.

#### **Recipients:**

- Secretariat of the Party Central Committee;
- Prime Minister and Deputy Prime Ministers;
- Ministries, Ministerial-level agencies and Governmental agencies;
- Provincial and municipal People's Council and People's Committees under Central authority;
- Office of Central Committee and other Party Committees
- Office of the General Secretary
- Office of the President
- Ethnic Council and Committees of National Assembly
- Office of National Assembly
- The Supreme People's Court;
- The Supreme People's Procuracy;
- The State Audit;
- Committee of National Financial Supervision;
- Vietnam Bank for Social Policies;
- Bank for Development of Vietnam;
- Vietnam Fatherland Front's Central Committee;
- Central agencies of organizations;

**ON BEHALF  
OF  
PRIME  
MINISTER**

(Signed and  
sealed)  
**Nguyen Tan  
Dung**

- Office of government: Minister-Chairman, Vice Chairmen, Assistants of Governmental Inspectors, Information Portal, Departments, affiliates, and Official journal;
- Archives: Documents, KTN (3b). XH 300