

THE GOVERNMENT

N^o 99/2009/NĐ-CP

SOCIALIST REPUBLIC OF VIETNAM
Independence - Freedom - Happiness

Hanoi, date: 02/11/2009

GOVERNMENTAL DECREE

On Penalties Imposed on Administrative Violations in Respect of Forest Control, Forest Protection and Forest Product Management

THE GOVERNMENT

Pursuant to the Law on Governmental Organization dated December 25th 2001;
Pursuant to the Law on Forest Protection and Development dated December 3rd 2004;
Pursuant to the Ordinance on Administrative Penalty dated July 2nd 2002; Ordinance on the admendment of some articles of the Ordinance on Administrative Penalty dated March 8th 2007; the Ordiance on the amendment and supplementation of some articles of Ordinance on Administrative Penalty dated April 2nd, 2008;
Regarding proposals made by the Minister of Agriculture and Rural Development;

DECREES:

Chapter I

GENERAL PROVISIONS

Article 1. Governing scope and subject matter

1. Governing scope

This Decree regulates administrative penalties imposed on violations in respect of forest control, forest protection and forest product management in the territory of the Socialist Republic of Vietnam.

This Decree shall not be applied to foreign timber and other forest products legally imported to Vietnam (including cases of unequal quantity and size of legally imported timber under inspection).

2. Subject matter

This Decree covers administrative penalties against domestic and foreign entities, individuals (*hereinafter referred to as violators*) unintentionally or intentionally acting against the State's Regulations on Forest Control, Forest Protection and Forest Product Management, which have not yet resulted in or have resulted in damages against forests, forest products, forest environments, and not to the extent of criminal imputation.

In case of regulations otherwise stated in the International Treaty signed by the Socialist Republic of Vietnam, regulations included in such International Treaties shall be applied.

Article 2. Expressions and definitions

1. Forestry products are those exploited from plants, animals, living beings and their products which originate from forest.

2. Round timber includes crude timber, rounded-off timber, pith-dissected timber with the top diameter measuring 10 centimeters to under 20 centimeters and a length of over one meter, or with the top diameter above 20 centimeters and a length of over 30 centimeters. As for rare, precious and endangered timber, no size difference is applied.
3. A log is exploited from timber-trunk forest plants or from their parts with a size smaller than that specified for round timber as regulated in Item 2 of this article or scrap in process.
4. Wild plants listed under Group IA and IIA; wild animals listed under Group IB and IIB are endangered, precious, and rare wild plants and animals in accordance with regulations of the Government.
5. Exhibits of administratively illegal cases include timber and forest products not made of wood and damaged by violators.
6. Vehicles of administratively illegal cases include objects, tools and means of transport used by violators for their administratively illegal actions.
7. Means of transport include means of transport involving road traffic, motorbikes, bicycles, manual carts and carts hauled by cattle; ships, boats, canoes, rafts and other means used to transport forest products illegally.
8. Vehicles appropriated by illegal individuals or entities are those under the ownership of legal individuals or entities stolen, robbed, extorted by other illegal individuals or entities who make corrupt use of asset owner's incapability of prevention to appropriate publicly (publicly appropriating) or cause other illegal actions to appropriate, control, and use such assets of legal owners.
9. Vehicles deemed to be used illegally by violators are of the following cases:
 - a) Legal owners of vehicles lease such vehicles to other individuals or entities, or have them driven by others for legitimate purposes, but the lessee or persons hired to drive such vehicles has laterally used them for their administratively illegal actions.
 - b) Legal owners of vehicles or individuals/entities in legal control of vehicles leased from other individuals/entities assign such vehicles to their employees to manage, drive, use for purposes of production and business but such employees have laterally used such vehicles for their administratively illegal actions.

The hire, borrowing or hire of persons to drive vehicles must be done in writing between legal owners and lessees/borrowers in accordance with the regulations of the Government prior to the violation taking place. Information on the use of leased or borrowed vehicles or the hire of persons as driver must be included in the lease. Within 24 hours of vehicles being temporarily arrested, violators found illegally transporting forest products have to show the lease to the body or individual who has the authority to deal with the case.
10. Organizational violations are violations involving two or more people that have closely cooperated with each other to carry out intentionally illegal actions.

In cases of one organizational violation resulting in another violation (such as the case of burning off land for cultivation which then causes a forest fire), the following violation will be considered an organizational violation.
11. Repeating a crime many times are cases in which administratively illegal persons, who previously have committed an administratively illegal action in respect of forest control, forest protection and forestry products management, and where the crime has not yet been discovered or punished and punishment period has expired.

12. Repeated violations are cases in which administratively illegal persons, who previously received a fine for an administratively illegal action in respect of forest control, forest protection and forestry products management, and it has not yet been expired to consider that he or she has never been administratively fined.

Article 3. Principles of penalty

1. Administratively illegal actions in respect of forest control, forest protection and forestry products management must be discovered in a timely manner and immediately prevented from continuing. Administrative penalties must be transparently carried out in accordance with the law; violators or the guardian of violators must bear responsibility for making good any consequences as the result of administratively illegal actions in accordance with regulations of applicable laws.

Those who carry out administratively illegal actions in respect of forest control, forest protection and forestry products management shall be only given an administrative fine as outlined in this decree. Administratively illegal actions shall be only penalized one time.

2. When making decisions on administrative penalties, the decision-maker must consider the personal status of the violator and the nature and the extent of violation; Aggravating, mitigating circumstances as regulated in Articles 8 and 9 of the Ordinance on Administrative Penalty No. 44/2002/PL-UBTVQH10 dated July 2nd, 2002 (hereby referred to as Ordinance on Administrative Penalty) to apply the official punishment, additional punishment and measures to repair any consequences.

3. In the event that individuals or entities causing administratively illegal actions have no aggravating/ mitigating circumstances, the amount of pecuniary penalty shall be the average amount of the penalty framework as regulated in this Decree to impose on such violations; with mitigating circumstances, the amount of pecuniary penalty may be reduced but not less than the lowest level of the pecuniary penalty framework as regulated to be imposed on such violations; with aggravating circumstances, the amount of pecuniary penalty may be higher but not exceeding the highest level of the pecuniary penalty framework as regulated to be imposed on such violations.

4. A person causing administratively illegal actions shall be penalized for each illegal action and if the punishment includes administrative fines, these fines will then be totalled for collective penalty.

In cases whereby a person causes continuous administratively illegal actions on the same object, in which the later action succeeds and results from the prior action, the violator will be penalized according to the illegal action that has the highest administrative fine as regulated in this Decree.

5. More than one person causing the same administratively illegal action, shall be each penalized for each illegal action. It is protected to sub-divide the extent of general damage to impose a penalty on each violator.

Members within the same family found causing an administratively illegal action shall be given an administrative penalty as that for a violating organization.

6. People aged between 14 and 16 years old causing administratively illegal actions will be given a warning penalty for their intentional actions; People aged between 16 and 18 years old causing administratively illegal actions will incur an administrative penalty for all of their illegal actions. The level of fine given to youths will not exceed half of the fine applied for adults; in the event that they cannot pay a fine, their parents or tutor are obliged to pay on their behalf.

7. The following illegal actions shall not be administratively penalized but turned into a criminal imputation:

a) In the event that exhibits as the consequence of administratively illegal actions are of rare, precious and endangered forest plants, wild animals as listed under Group IA, IB in the List of endangered, precious and rare forest plants and wild animals as regulated in Decree No. 32/2006/NĐ-CP dated March 30, 2006 issued by the Government on management of endangered, precious and rare plants and animals (excluding the activity of illegally rearing wild animals listed under group IB as provided in article 19 in this decree).

b) Damages caused by illegal actions exceed the maximum administrative penalty as regulated in Articles 11,17 and 18 of this Decree; Illegal transporting and trading of timber exceed the maximum administrative penalty as regulated in Articles 20; Article 21 of this Decree.

c) The action of encroaching many types of forests including special forests, protective forests, and productive forests even though the damaged area of each type of forest has not yet exceeded the maximum administrative fine prescribed in the decree, but the total damaged area of all types of forests exceeds the maximum administrative fine of the damaged type of forest having the maximum frame of administrative fine which is the lowest prescribed in this Decree.

d) The action of illegally exploiting, transporting and trading rare and precious timber of Group IIA, normal timber, though the quantity of each type of timber does not exceed the maximum administrative fine of each type of timber, but the total quantity of all types of illegal timber exceeds the maximum administrative fine of normal timber.

đ) Those that are given an administrative fine for behavior regulated in Articles 17 and 18; those who illegally transport and trade timber regulated in Articles 20 and 21 of this Decree and repeat these types of violations.

8. Administratively illegal actions causing damage exceeding the maximum administrative penalty and where the Criminal Code does not regulate those actions as crimes (except for actions regulated in Item 7 of this article), the maximum administrative fine for this action shall be applied.

9. Administratively illegal actions involving forest plants, wild animals as listed under appendixes I and II of the Convention on International Trade of Endangered Species (CITES) but not specified in the List of endangered, precious and rare forest plants and wild animals as regulated in Decree No. 32/2006/NĐ-CP dated March 30, 2006 issued by the Government on management of endangered, precious and rare plants and animals shall be solved as follows:

a) Administratively illegal actions of species listed in Appendix I shall be solved in the same manner as illegal actions against endangered, precious and rare wild plants and animals of groups IA and IB.

b) Administratively illegal actions of species listed in Appendix II shall be settled the same as an illegal action against endangered, precious and rare wild plants and animals of groups IIA and IIB as regulated in this Decree.

10. Illegal actions which have been criminally introduced of instance, but then suspended, and documents relating to such cases are turned into an administrative penalty by the authorized body, the violator of the case shall incur the maximum administrative fine as regulated correspondingly in this Decree for such illegal actions.

In cases of illegal actions against endangered, precious and rare wild plants and animals of groups IA and IB and the violator has been criminally introduced of instance but then suspended and documents relating to such cases are turned into an administrative penalty, judgement shall be applied with corresponding regulations for rare and emergency forest trees and wild animals of groups IIA and IIB.

Article 4. Prescription of administrative penalty

1. Prescription of administrative penalty in respect of forest control, forest protection and forestry products management shall be one year, as from the date the administratively *illegal action* was made. If the matter exceeds such prescription, an administrative penalty shall not be imposed on the violator, but is required to comply with compulsory measures to repair any consequences as regulated in Article 6 of this Decree.

2. For violators introduced of instance, prosecuted against, or receiving judgment in accordance with criminal procedures, but the investigation is suspended or the case is suspended and documents relating to such cases are turned into an administrative penalty, the prescription of administrative penalty in this case shall be three months from the date the competent person receives the decision on suspension and documents relating to such cases.

Article 5. Modes of penalty

1. The administrative violator must bear one administrative penalty: warning or pecuniary penalty.

2. Depending on the nature and extent of violations, individuals or entities causing administratively illegal action may be also imposed with one or more additional penalties; imposed with one or more measures to repair any consequences as regulated in this Decree.

3. A foreign violator may be expelled from the territory of the Socialist Republic of Vietnam.

Article 6. Measures to repair consequences

Apart from penalties as specified in Article 5 of this decree, the administrative violator may be also imposed with one or more measures to repair consequences as follows:

1. Obligated to recover initial conditions that were altered by the action of an administrative violation.

a) Re-afforest or cover costs of reforestation based on the investment rate locally applied at the time of the administrative violation.

b) Recover the work, vehicles serving the protection of destroyed forest, area of dug forest or cover costs of recovery of them.

c) Confiscate exhibits such as forestry products, in cases whereby the administrative violation exceeds prescription of an administrative penalty.

2. Obligated to remove or cover costs of removing illegal construction works located in forests.

3. Obligated to bear costs of forest fire-fighting; obliged to cover costs of repairing consequences caused by forest-pestilent organisms.

4. Obligated to repair or bear costs of recovering the consequences of environmental pollution.

5. Obligated to destroy diseased forestry animals and their body parts.

Article 7. Unit to determine the damages caused by administratively illegal actions

1. Forest area shall be calculated in square metres (m²).

2. Wood volume shall be calculated in cubic metres (m³). It is required to convert other timbers into round timber when dealing with administratively illegal actions. Hewn timber and lumber will be converted into round timber by multiplying by 1.6.

3. Stump, root, and timber being of small diameter and shape and therefore rendering the measurement of its volume in cubic metres complicated, and belonging to endangered, precious and rare species, shall be measured by weight. That is, every 1000 kg equal 1 cubic metre of round timber or measured in ste that is equal to 0.7 m³ of round timber.

4. Other forestry products shall be valued in Vietnam Dong (VND).

Chapter II

ILLEGAL ACTIONS, MODE AND EXTENT OF PENALTY

Article 8. Violating the State's General Provisions on forest protection

Persons violating the State's General Provisions on forest protection shall be penalized as follows:

1. Receive a warning penalty or fine of 100,000 VND and up to 1,000,000 VND if causing one of the following illegal actions:

a) Bringing manual or mechanical tools into forests to hunt and catch animals (birds, beasts and aquatic creatures).

b) Hunting or catching animals during their productive season.

c) Using prohibited methods or instruments to catch and hunt.

d) Hunting and catching wild animals in places that prohibite such actions.

e) Taking cattle into forests for hauling purposes, bringing manual tools into forests to illegally exploit forestry products and mineral products.

f) Illegally raising, planting, and releasing non-native animal and plant species into forests of special use.

2. Recieve a fine from 1,000,000 VND to 2,000,000 VND if causing one of the following actions:

a) Illegally arranging to take people into special forests for scientific research and tourism purposes; illegally collecting specimens in forests.

b) Illegally taking mechanical instruments into forests.

c) Illegally advertising forest plants and wild animals for commercial purposes.

3. Receive a fine from 2,000,000 VND to 3,000,000 VND if causing one of the following actions:

- a) Fire/using flame in failure to comply with the regulations of the State in strictly protected special forest areas.
- b) Fire/using flame in inflammable forests in the hot and dry season.
- c) Fire/using flame near timber storage areas in the instance of forest fire forecasts from Level III to V.
- d) Fire/using flame to hunt wild animals, collecting honey and war wastes.
- e) Burning milpa, fielding illegally in forests and near forest borders.
- f) Failure to comply with safety regulations on forest fire prevention and fighting when being allowed to use flame, heat source, inflammable and thermogenetic equipments and tools, and keep/using flammable substances in and at forest borders.

4. Receive a fine of 3,000,000 VND to 5,000,000 VND for forest owners who are assigned or lent forests but commit one of following illegal actions:

- a) Not preparing appropriate fire prevention measures and fighting; forest fire prevention and fighting work.
- b) Releasing stored water for fire prevention in the dry and hot season.
- c) Not organizing forest patrols and guards to prevent fires in natural forests that they manage.

5. Violators of this article that cause damage to forests or forestry products will be punished according to Article 11, 17, 18 or 19 of this Decree.

6. Violators of Item 1; Point B or C of Item 2 of this article will have exhibits confiscated, vehicles used in administratively illegal actions as well as receive an administrative fine.

Article 9. Violating regulations on design in exploitation of wood

Persons violating regulations on design in exploitation of wood shall be penalized as follows:

1. Receive a fine from 3,000,000 VND to 5,000,000 VND for one of the following actions:

- a) Designing volume of wood exploited up to 15 to 20% per of the forest (the designed exploited volume of wood is examined with the volume in the design documents exploitation).
- b) Hammering identification on trees incorrectly or out of the lot area designed for exploitation.

2. Receive a fine from 5,000,000 VND to 15,000,000 VND on designers causing the following actions:

- a) Designing the exploited area of wood in fields incorrectly with the design map.

b) Designing volume of wood exploited over 20% of the forest (the designed exploited volume of wood is examined with the volume in the design documents of exploitation).

3. Besides the penalties listed above, violators who produce designs that fail to comply with Government regulations may have their professional certifications confiscated, be obliged to reforest or bear the cost of reforesting areas exploited by incorrect design.

Article 10. Violating regulations on wood exploitation

Persons exploiting wood in wrong order or not following procedures and technical requirements as designed shall be penalized as follows:

1. Receive a fine from 3,000,000 VND to 5,000,000 VND for one of the following illegal actions:

a) Failure to carry out procedures for delivery and receipt of documents or exploitation site in accordance with the current existing regulations of the State.

b) Failure to comply or comply incorrectly with the design on clearing liana before exploitation; failure to carry out cleaning operations after exploitation and failure to carry out other technical methods in order to guarantee forest regeneration.

2. Receive a fine from 5,000,000 VND to 15,000,000 VND for one of the following illegal actions:

a) Failure to chop down twisted and pestilent trees that are included in the design; Failure to collect all wood, branches, tops of trees knocked down during natural forest exploitation due to approved design.

b) Paying for transport, ground to gather wood contrary to design.

In the event of paying for transport or ground to gather wood that causes damage to forests shall be penalized as stipulated in Article 17 of this Decree.

3. Persons exploiting timber not in the designed lot, or cutting down unidentified trees in the design shall be penalized in accordance with regulations as stipulated in Article 18 of this Decree.

Article 11. Violating regulations on forest fire prevention and fighting that causes forest fire

Persons who violate Governmental regulations on forest fire prevention and forest fire fighting and causing forest fire shall be penalized as follows:

1. Receive an administrative fine from 3,000,000 VND to 5,000,000 VND in one of following cases:

a) Causing fire of cultivated plants that have not yet become a forest of less than 5,000 m².

b) Causing fire of productive forests of less than 2.000 m².

c) Causing fire of protective forests of less than 1.500 m²

d) Causing fire of special use forests of less than 1.000 m²

2. Receive an administrative fine from 5.000.000 to 10.000.000VND in one of the following cases:

a) Causing fire of cultivated plants that have not yet become a forest from 5.000 m² to 10.000 m² in size.

b) Causing fire of productive forests from 2.000 m² to 3.000 m² in size.

c) Causing fire of protective forests from 1.500 m² and up to 2.500 m² in size.

d) Cause fire of special use forests of 1.000 m² and up to 2.000 m² size.

3. Receive an administrative fine from 10.000 to 20.000.000 VND in one of following cases:

a) Causing fire of cultivated plants that have not yet become a forest from 10.000 m² to 20.000 m² in size.

b) Causing fire of productive forests from 3.000 m² to 5.000 m² in size.

c) Causing fire of protective forests from 2.500 m² to 4.000 m² in size.

d) Causing fire of special use forests from 2.000 m² to 3.000 m² in size.

4. Receive an administrative fine from 20.000.000 to 30.000.000 VND in one of the following cases:

a) Causing fire of cultivated plants that have not yet become a forest from 20.000 m² to 30.000 m² in size.

b) Causing fire of productive forests from 5.000 m² to 6.000 m² in size.

c) Causing fire of protective forests from 4.000 m² to 5.000 m² in size.

d) Causing fire of special use forests from 3.000 m² and up to 4.000 m² in size.

5. Receive an administrative fine from 30.000.000 to 50.000.000 VND in one of the following cases:

a) Causing fire of cultivated plants that have not yet become a forest from 30.000 m² to 50.000 m² in size.

b) Causing fire of productive forests from 6.000 m² and up to 10.000 m² in size.

c) Causing fire of protective forests from 5.000 m² to 7.500 m² in size.

d) Causing fire of special use forests from 4.000 m² of to 5.000 m² in size.

6. Persons found violating regulations as stipulated in Items 1 through 5 of this Article may be also obliged to fulfill one of the following measures to repair consequences as follows:

a) Obligated to reforest or bear costs of forest reforestation.

b) Compensate expenses for extinguishing forest fire.

7. Persons who cause forest fires or intentionally or burn forests for any purpose shall be punished according to regulations in Article 17 of this Decree.

Article 12: Grazing livestock in restricted forests

Persons who graze livestock in restricted forests will be fined as follows:

1. Receive a warning or pecuniary penalty from 100,000VND to 1,000,000VND if grazing livestock in restricted areas of special use forests.
2. Receive a pecuniary penalty from 1,000,000VND to 3,000,000VND if grazing livestock in newly integrated forests with saplings, newly forested areas under 3 years old, and localized reforested areas that have restrictions on grazing livestock.
3. Violators of regulations as stipulated in this Article may also be forced to conduct reforestation or cover the expenses for reforestation damaged by livestock.

Article 13. Violating regulations on preventing and eliminating pestilent organisms

1. Forest owners receive a pecuniary penalty from 2,000,000 VND to 10,000,000 VND who intentionally not carry out one of the measures on preventing and eliminating pestilent insects in accordance with the regulations of the law.
2. Receive a pecuniary penalty from 10.000,000 to 20,000,000 VND for using forestry pestilent organism pesticides that are not included in the list of insecticides permitted by the Government.
3. Violators of regulations as stipulated in this Article may also be forced to repair consequences or cover expenses for making good consequences caused by pestilent insects. Illegal insecticide shall be confiscated.

Article 14. Illegal encroachment of the forests

Persons who illegally move forest landmarks to illegally appropriate and use forests owned by others will be penalized as follows:

1. Receive a pecuniary penalty from 2.000,000 VND to 10.000,000 VND for illegal encroachment of forests as in one of the following cases:
 - a) Cultivated plants that have not yet become a forest of less than 20.000 m².
 - b) Productive forests of less than 6.000 m².
 - c) Protective forests of less than 5.000 m².
 - d) Special use forests of less than 4.000 m².
2. Receive a pecuniary penalty from 10.000,000 to 20.000.000 VND for illegal encroachment of forests as in one of the following cases:
 - a) Cultivated plants that have not yet become a forest from 20.000 m² to 30.000 m².

- b) Productive forests from 6.000 m² to 10.000 m².
 - c) Protective forests from 5.000 m² to 7.000 m².
 - d) Special use forest from 4.000 m² to 5.000 m².
3. Receive a pecuniary penalty from 20.000,000 to 30.000.000 VND for illegal encroachment of forests as in one of the following cases:
- a) Cultivated plants that have not yet become a forest from 30.000 m² to 50.000 m².
 - b) Productive forests from 10.000 m² to 20.000 m² in size.
 - c) Protective forests from over 7.000 m² to 15.000 m² in size.
 - d) Special use forests from over 5.000 m² to 10.000 m² in size.
4. Receiving a pecuniary penalty from 30.000,000 to 50.000.000 VND for illegal encroachment of forests as in one of the following cases:
- a) Cultivated plants that have not yet become a forest of over 50.000 m².
 - b) Productive forests over 20.000 m².
 - c) Protective forests over 15.000 m².
 - d) Special use forests over 10.000 m².
5. Violators illegally encroaching upon forests will also be forced to return the illegally encroached area of forest; to remove constructions built or plants cultivated on the illegally encroached area or cover the expenses for the movement of any constructions illegally built, or plants cultivated on the illegally encroached area.

In the event of illegally encroaching and destroying or exploiting forest at the same times, violators shall be penalized in accordance with regulations as stipulated in Article 17 or 18 of this Decree.

Article 15. Sabotage of constructions used for forest protection and development

Those who sabotage constructions used for forest protection and development (eg: stations, sentry boxes for forest-fires, sign boards and convention boards; fences, forest boundaries, tank and water reservoirs for extinguishing forest-fires; and means of communication and supporting tools used for forest protection and development) or conduct acts that change or damage the actuality of the constructions shall be penalized as follows:

1. Receive a warning or pecuniary penalty from 10,000 to 200,000 VND for the following actions: writing and drawing on sign-boards and convention boards on forest protection; deleting and erasing information and images on sign-boards and convention boards related to forest protection.
2. Receive a pecuniary penalty from 200,000 to 5,000,000 VND for removing sign-boards relating to forest protection.

3. Receive a pecuniary penalty from 5,000,000 to 10,000,000 for acts of digging and demolishing roads in forests, obstructing forest patrolling & conservation activities and cleaning up after deforesters, and demolishing boundaries for fire prevention, demolishing fences and forest boundaries.
4. Receive a pecuniary penalty from 10,000,000 to 20,000,000 for demolishing convention boards on forest protection, sentry boxes, station, assets and other tools used for patrolling and protecting forests.
5. Violators will be required to cover costs to repair consequences caused by illegal actions.

Article 16. Illegal exploitation on forest scenery, environment, and forestry services

Those who exploit forestry scenery, environment, and forestry services for producing, providing services, trading and building cemeteries without permission by functional authorities or not conducted in accordance with the regulations specified in permission papers shall be penalized as follows:

1. Receive a warning or given a fine from 10,000 to 200,000 VND for illegally organizing sightseeing in forests.
2. Receive a fine from 200,000 VND to 5,000,000 VND for illegally building cemeteries in the forest.
3. Receive a fine for 5,000,000 VND to 20,000,000 VND for illegally producing or providing services and trading.
4. Violators will also be forced to restore forest areas back to initial condition or pay for expenses to make good consequences caused by their illegal activities.

Article 17. Illegal deforestation

Persons who cut down and destroy forest trees; dig, bulldoze, explode mines, excavate, dam against tides, release poisons and other actions that cause damage to forests for any purposes (other than actions regulated in Article 18 of this Decree) without permission by functional authorities or with permission but their implementation is not in compliance with the regulations shall be fined as follows:

1. From 200,000 to 10,000,000 VND if forests are affected as in one of the following cases:
 - a) Cultivated plants that have not yet grown to a size of less than 5.000 m².
 - b) Productive forests of less than 1.000 m².
 - c) Protective forests of less than 800 m².
 - d) Special use forests of less than 300 m².
2. From 10,000,000 to 20,000,000 VND if forests are affected as in one of the following cases:
 - a) Cultivated plants that have not yet grown from 5.000 m² to 10.000 m² in size.
 - b) Productive forests from 1.000 m² to 2.000 m² in size.
 - c) Protective forests from 800 m² to 1.500 m² in size.
 - d) Special use forests from 300 m² to 500 m² in size.
3. From 20,000,000 to 30,000,000 VND if forests are affected as in one of the following cases:
 - a) Cultivated plants that have not yet grown from 10,000 m² to 20,000 m² in size.
 - b) Productive forests from 2,000 m² to 3,000 m² in size.

- c) Protective forests from 1,500 m² to 2,000 m² in size.
 - d) Special use forests from 500 m² to 700 m² in size.
4. From 30,000,000 to 50,000,000 VND if forests are affected as in one of the following cases:
- a) Cultivated plants that have not yet grown from 20,000 m² to 30,000 m² in size.
 - b) Productive forests from 3,000 m² to 5,000 m² in size.
 - c) Protective forests from 2,000 m² to 3,000 m² in size.
 - d) Special use forests from 700 m² to 1,000 m² in size.
5. Violators will also have forest products, tools and vehicles used in the administratively illegal actions confiscated; and will be forced to reforest or cover the expense of the reforestation.
6. Forest owners who are assigned natural or cultivated forests by the Government after receiving budget capital or non-returned sponsored capital to manage, protect and use for forestry purposes will be also punished according to regulations in this Article if forests are illegally destroyed due to owners not acting responsibly.

Article 18. Illegal exploitation of forests

Those who take away forestry products from forests without permission by functional authorities (Law prohibits the exploitation of forests. A license issued by functional authorities is necessary to extract forest products.), or with permission but its implementation is not in compliance with regulations shall be fined as follows:

1. Illegal exploitation of productive forests:

- a) Non-endangered, not rare and timber not considered precious:
 - Receive a pecuniary fine from 200,000 VND to 10,000,000 VND if illegally exploiting less than 2 m³ of timber.
 - Receive a financial fine from 10,000,000 VND to 20,000,000 VND if illegally exploiting from 2 m³ to 4 m³ of timber.
 - Receive a financial fine from 20,000,000 VND to 30,000,000 VND if illegally exploiting from 4 m³ to 6 m³ of timber.
 - Receive a financial fine from 30,000,000 VND to 50,000,000 VND if illegally exploiting from 6 m³ to 10 m³ of timber.
 - Receive a financial fine from 50,000,000 VND to 100,000,000 VND if illegally exploiting from 10 m³ to 20 m³ of timber.
- b) Endangered, rare and precious timber from Group IIA:
 - Receive a financial fine from 1,000,000 VND to 10,000,000 VND if illegally exploiting less than 0.7 m³ of timber.
 - Receive a financial fine from 10,000,000 VND to 20,000,000 VND if illegally exploiting from 0.7 m³ and up to 1.5 m³ of timber.
 - Receive a financial fine from 20,000,000 VND to 30,000,000 VND if illegally exploiting over 1.5 m³ and up to 2 m³ of timber.
 - Receive a financial fine from 30,000,000 VND to 50,000,000 VND if illegally exploiting over 2 m³ and up to 3 m³ of timber.
 - Receive a financial fine from 50,000,000 VND to 100,000,000 VND if illegally exploiting over 3 m³ and up to 7 m³ of timber.

- Receiving financial fines from 100,000,000 VND to 200,000,000 VND if illegally exploiting over 7 m³ to 12.5 m³ of timber.

2. Illegal exploitation of protective forests

a) For non-endangered, not rare and timber not considered precious:

- Receive a financial fine from 500,000 VND to 10,000,000 VND if illegally exploiting less than 1.5 m³ of timber.

- Receive a financial fine from 10,000,000 VND to 20,000,000 VND if illegally exploiting from 1.5 m³ to 3 m³ of timber.

- Receive a financial fine from 20,000,000 VND to 30,000,000 VND if illegally exploiting over 3 m³ and to 5 m³ of timber.

- Receive a financial fine from 30,000,000 VND to 50,000,000 VND if illegally exploiting over 5 m³ to to 8 m³ of timber.

- Receive a financial fine from 50,000,000 VND to 100,000,000 VND if illegally exploiting over 8 m³ to 15 m³ of timber.

b) For endangered, rare and precious timber from Group IIA:

- Receive a financial fine from 1,000,000 VND to 10,000,000 VND if illegally exploiting less than 0.5 m³ of timber.

- Receive a financial fine from 10,000,000 VND to 20,000,000 VND if illegally exploiting from 0.5 m³ to 1 m³ of timber.

- Receive a financial fine from 20,000,000 VND to 30,000,000 VND if illegally exploiting from 1 m³ to 1.5 m³ of timber.

- Receive a financial fine from 30,000,000 VND to 50,000,000 VND if illegally exploiting from 1.5 m³ to 2.5 m³ of timber.

- Receive a financial fine from 50,000,000 VND to 100,000,000 VND if illegally exploiting from 2.5 m³ to 5 m³ of timber.

- Receive a financial fine from 100,000,000 VND to 200,000,000 VND if illegally exploiting from 5 m³ to 10 m³ of timber.

3. Illegal exploitation of special use forests:

a) For non-endangered, not rare and timber not considered precious

- Receive a financial fine from 1,000,000 VND to 10,000,000 VND if illegally exploiting less than 1 m³ of timber.

- Receive a financial fine from 10,000,000 VND to 20,000,000 VND if illegally exploiting from 1 m³ to 2 m³ of timber.

- Receive a financial fine from 20,000,000 VND to 30,000,000 VND if illegally exploiting from 2 m³ to 3 m³ of timber.

- Receive a financial fine from 30,000,000 VND to 50,000,000 VND if illegally exploiting from 3 m³ to 5 m³ of timber.

- Receive a financial fine from 50,000,000 VND to 100,000,000 VND if illegally exploiting from 5 m³ to 10 m³ of timber.

b) For endangered, rare and precious timber from Group IIA:

- Receive a financial fine from 1,000,000 VND to 10,000,000 VND if illegally exploiting less than 0.4 m³ of timber.

- Receive a financial fine from 10,000,000 VND to 20,000,000 VND if illegally exploiting from 0.4 m³ to 0.7 m³ of timber.

- Receive a financial fine from 20,000,000 VND to 30,000,000 VND if illegally exploiting from 0.7 m³ to 1m³ of timber.
- Receive a financial fine from 30,000,000 VND to 50,000,000 VND if illegally exploiting from 1 m³ to 1.5 m³ of timber.
- Receive a financial fine from 50,000,000 VND to 100,000,000 VND if illegally exploiting from 1.5 m³ to 2.5 m³ of timber.
- Receive a financial fine from 100,000,000 VND to 200,000,000 VND if illegally exploiting from 2.5 m³ to 5 m³ of timber.

4. For coal, charcoal; forest flora and their parts belonging to endangered, precious, rare species from Group IIA:

- a) Receive a financial fine from 100,000 VND to 3,000,000 VND if damaging forestry products worth less than 2,000,000 VND.
- b) Receive a financial fine from 3,000,000 VND to 5,000,000 VND if damaging forestry products worth from 2,000,000 VND to 3,000,000 VND.
- c) Receive a financial fine from 5,000,000 VND to 10,000,000 VND if damaging forestry products worth from 3,000,000 VND to 6,000,000 VND.
- d) Receive a financial fine from 10,000,000 VND to 20,000,000 VND if damaging forestry products worth from 6,000,000 VND to 12,000,000 VND.
- đ) Receive a financial fine from 20,000,000 VND to 30,000,000 VND if damaging forestry products worth from 12,000,000 VND to 18,000,000 VND.
- e) Receive a financial fine from 30,000,000 VND to 50,000,000 VND if damaging forestry products worth from 18,000,000 VND to 30,000,000 VND.
- g) Receive a financial fine from 50,000,000 VND to 75,000,000 VND if damaging forestry products worth from 30,000,000 VND to 45,000,000 VND.

5. In cases of illegal forest exploitation of young trees in which the damaged volume of the trees cannot be defined, punishment will be based on the damaged area of the young trees in accordance with Article 17 of this Decree. If the exploitation is scattered, which makes it impossible to measure the area, the fine will be calculated on the number of destroyed trees and violators will be fined 50.000VND/tree.

6. In cases of illegally exploiting timber in kaingins, or illegally collecting timber on agricultural land, illegally collecting lying timber and illegally collecting timber along rivers, streams, and ponds, will be settled in accordance with regulations of Item 1 of this Article.

7. Persons who illegally exploit forests also have to endure one of following supplemental punishments and measures to repair any consequences:

- a) Have evidence and vehicles used for the violation confiscated.
- b) Have exploitation permits withdrawn.
- c) Will be obliged to reforest or cover the cost of the reforestation of exploited forests.

8. Forest owners who are assigned natural or cultivated forests by the Government after receiving budget capital or non-returned sponsored capital to manage, protect and use for forestry purposes will be also punished according to regulations in this Article if forests are illegally destroyed due to owners not acting responsibly.

Article 19: Violations of regulations on wildlife management and protection

Persons who hunt, shoot, trap, catch, farm or keep and slaughter wild animals not in conformity with Governmental regulations shall be subject to the following punishments:

1. Receive an administrative fine from 500.000 to 10.000.000 VND for violations in which the exhibit is listed in one of the following cases:

a) Wild animals or their body parts which are not on the list of endangered, rare and precious wildlife worth less than 7,000,000 VND.

b) Wild animals or their body parts which are listed as endangered, rare and precious wildlife from Group IIB worth less than 4,000,000 VND.

2. Receive an administrative fine from 10,000,000 to 20,000,000 VND for violations in which exhibits belong to one of the following cases:

a) Wild animals or their body parts which are not on the list of endangered, rare and precious wildlife worth from 7,000,000 to 13,000,000 VND.

b) Wild animals or their body parts which are listed as endangered, rare and precious wildlife from Group IIB worth from 4,000,000 to 8,000,000 VND.

3. Receive an administrative fine from 20,000,000 to 30,000,000 VND for violations in which exhibits belong to one of the following cases:

a) Wild animals or their body parts which are not on the list of endangered, rare and precious wildlife worth from 13,000,000 to 20,000,000 VND.

b) Wild animals or their body parts which are listed as endangered, rare and precious wildlife from Group IIB worth from 8,000,000 to 12,000,000 VND.

4. Receive an administrative fine from 30,000,000 to 50,000,000 VND for violations in which exhibits belong to one of the following cases:

a) Wild animals or their body parts which are not on the list of endangered, rare and precious wildlife worth from 20,000,000 to 35,000,000 VND.

b) Wild animals or their body parts which are listed as endangered, rare and precious wildlife from Group IIB worth from 12,000,000 to 20,000,000 VND.

c) Illegally farming one endangered, rare and precious wildlife from Group IB

5. Receive an administrative fine from 50,000,000 to 100,000,000 VND for violations in which exhibits belong to one of the following cases:

a) Wild animals or their body parts which are not on the list of endangered, rare and precious wildlife worth from 35,000,000 to 65,000,000 VND.

- b) Wild animals or their body parts which are listed as endangered, rare and precious wildlife from Group IIB worth from 20,000,000 to 40,000,000 VND.
 - c) Illegally farming two endangered, rare and precious wildlife from Group IB.
6. Receive an administrative fine from 100,000,000 to 200,000,000 VND for violations in which exhibits belong to one of the following cases:
- a) Wild animals or their body parts are not on the list of endangered, rare and precious wildlife worth from 65,000,000 to 135,000,000 VND.
 - b) Wild animals or their body parts which are listed as endangered, rare and precious wildlife from Group IIB worth from 40,000,000 to 80,000,000 VND.
 - c) Illegally farming three to four endangered, rare and precious wildlife from Group IB.
7. Receive an administrative fine from 200,000,000 to 300,000,000 VND for violations in which exhibits belong to one of the following cases:
- a) Wild animals or their body parts which are not on the list of endangered, rare and precious wildlife worth from 135,000,000 to 200,000,000 VND.
 - b) Wild animals or their body parts which are listed as endangered, rare and precious wildlife from Group IIB worth from 80,000,000 to 120,000,000 VND.
 - c) Illegally farming five to six endangered, rare and precious wildlife from Group IB.
8. Receive an administrative fine from 300,000,000 to 400,000,000 VND for violations in which exhibits belong to one of the following cases:
- a) Wild animals or their body parts which are not on the list of endangered, rare and precious wildlife worth from 200,000,000 to 270,000,000 VND.
 - b) Wild animals or their body parts which are listed as endangered, rare and precious wildlife from Group IIB worth from 120,000,000 to 160,000,000 VND.
 - c) Illegally farming seven to eight endangered, rare and precious wildlife from Group IB.
9. Receive an administrative fine from 400,000,000 to 500,000,000 VND for violations in which exhibits belong to one of the following cases:
- a) Wild animals or their body parts which are not on the list of endangered, rare and precious wildlife worth over 270,000,000 VND.
 - b) Wild animals or their body parts which are listed as endangered, rare and precious wildlife from Group IIB worth over 160,000,000 VND.
 - c) Illegally farming over eight endangered, rare and precious wildlife from Group IB.

10. In cases that permission for farming endangered, rare and precious wildlife from Group IB or other wildlife is granted but the farmer violates the regulations on cage requirements, he or she will be fined from 10,000,000 to 20,000,000 VND.

11. Persons who violate regulations stipulated in Items 1 through 10 of this article will also have exhibits and vehicles used for the administratively illegal actions confiscated; violators may also have their permits for hunting rifles withdrawn; have their certificates of registration for breeding wild animals withdrawn for a year; have their right removed to use practicing certificates for two years as regulated in Point B, Item 1, Article 41 of this Decree.

Article 20: Illegal transportation of forest products

Persons who transport forest products (from the moment forest products are loaded onto vehicles) without any legal papers or possessing legal papers but the transported forest products are not in accordance with papers; timber without a seal from the FPD as regulated by the law shall be given the following fines:

1. Receive a financial fine from 500,000 to 10,000,000 VND for illegal transportation of forest products in which exhibits belong to one of following cases:

- a). Wild animals or their body parts not listed as endangered, rare or precious wildlife worth less than 7,000,000 VND.
- b). Wild animals or their body parts listed as endangered, rare and precious wildlife from Group IIB worth less than 4,000,000 VND.
- c). Timber not listed as endangered, rare or precious timber with a volume of less than 2 m³.
- d). Timber listed as endangered, rare or precious timber from Group IIA with a volume of less than 1 m³.
- e) Wild plants and their parts, but not timber, listed as endangered, rare and precious plants from Group IIA worth less than 10,000,000 VND.

2. Receive a financial fine from from 10,000,000 to 20,000,000 VND for illegal transportation of forest products in which exhibits belong to one of following cases:

- a). Wild animals or their body parts not listed as endangered, rare or precious wildlife worth from 7,000,000 VND to 13,000,000 VND.
- b). Wild animals or their body parts listed as endangered, rare and precious wildlife from Group IIB worth from 4.000.000 VND to 8,000,000 VND.
- c). Timber not listed as endangered, rare or precious timber with a volume from 2 m³ to 4 m³.
- d). Timber listed as endangered, rare and precious timber from Group IIA with volume from 1 m³ to 1.5 m³.

đ) Wild plants and their parts, but not timber, listed as endangered, rare and precious plants from Group IIA worth from 10,000,000 VND to 20,000,000 VND.

3. Receive a financial fine from 20,000,000 to 30,000,000 VND for illegal transportation of forest products in which exhibits belong to one of following cases:

a). Wild animals or their body parts not listed as endangered, rare or precious wildlife worth from 13,000,000 VND to 20,000,000 VND.

b). Wild animals or their body parts listed as endangered, rare and precious wildlife from Group IIB worth from 8,000,000 VND to 12,000,000 VND.

c). Timber not listed as endangered, rare or precious timber with a volume from 4 m³ to 6 m³.

d). Timber listed as endangered, rare and precious timber from Group IIA with a volume from 1.5 m³ to 2 m³.

e) Wild plants and their parts, but not timber, listed as endangered, rare and precious plants from Group IIA worth from 20,000,000 VND to 30,000,000 VND.

4. Receive a financial fine from 30,000,000 to 50,000,000 VND for illegal transportation of forest products in which exhibits belong to one of following cases:

a). Wild animals or their body parts not listed as endangered, rare or precious wildlife from 20,000,000 VND to 35,000,000 VND.

b). Wild animals or their body parts listed as endangered, rare and precious wildlife from Group IIB worth from 12,000,000 VND to 20,000,000 VND.

c). Timber not listed as endangered, rare or precious timber with a volume from 6 m³ to 10 m³.

d). Timber listed as endangered, rare and precious timber from Group IIA with a volume from 2 m³ to 3 m³.

e) Wild plants and their parts, but not timber, listed as endangered, rare and precious plants from Group IIA worth from 30,000,000 VND to 50,000,000 VND.

5. Receive a financial fine from 50,000,000 to 100,000,000 VND for illegal transportation of forest products in which exhibits belong to one of following cases:

a). Wild animals or their body parts not listed as endangered, rare or precious wildlife worth from 35,000,000 VND to 70,000,000 VND.

b) Wild animals or their body parts listed as endangered, rare and precious wildlife from Group IIB worth from 20,000,000 VND to 40,000,000 VND.

c) Timber not listed as endangered, rare or precious timber with a volume from 10 m³ to 20 m³.

- d) Timber listed as endangered, rare and precious timber from Group IIA with a volume from 3 m³ to 7 m³.
- e) Wild plants and their parts, but not timber, listed as endangered, rare and precious plants from Group IIA worth from 50,000,000 VND to 100,000,000 VND.
6. Receive a financial fine from 100,000,000 to 200,000,000 VND for illegal transportation of forest products in which exhibits belong to one of following cases:
- a) Wild animals or their body parts not listed as endangered, rare or precious wildlife worth from 70,000,000 VND to 135,000,000 VND.
- b) Wild animals or their body parts listed as endangered, rare and precious wildlife from Group IIB worth from 40,000,000 VND to 80,000,000 VND.
- d) Wild plants and their parts, but not timber, listed as endangered, rare and precious plants from Group IIA worth from 100,000,000 VND to 200,000,000 VND.
7. Receive a financial fine from 200,000,000 to 300,000,000 VND for illegal transportation of forest products in which exhibits belong to one of following cases:
- a) Wild animals or their body parts not listed as endangered, rare or precious wildlife worth from 135,000,000 VND to 200,000,000 VND.
- b) Wild animals or their body parts listed as endangered, rare and precious wildlife from Group IIB worth from 80,000,000 VND to 120,000,000 VND.
8. Receive a financial fine from 300,000,000 to 400,000,000 VND for illegal transportation of forest products in which exhibits belong to one of following cases:
- a) Wild animals or their body parts not listed as endangered, rare or precious wildlife worth from 200,000,000 VND to 270,000,000 VND.
- b) Wild animals or their body parts listed as endangered, rare and precious wildlife from Group IIB worth from 120,000,000 VND to 160,000,000 VND.
9. Receive a financial fine from 400,000,000 to 500,000,000 VND for illegal transportation of forest products in which exhibits belong to one of following cases:
- a) Wild animals or their body parts not listed as endangered, rare or precious wildlife worth over 270,000,000 VND.
- b) Wild animals or their body parts listed as endangered, rare and precious wildlife from Group IIB worth over 160,000,000 VND.
10. Violators of regulations prescribed in Items 1 through 9 of this article will also receive one or more additional punishments as below:

- a) Deprived of the right to use special transporting permits; Deprived of the right to use driving license for six months in compliance with Point B, Item 1 of Article 41 of this Decree.
- b) Confiscation of illegal evidence (except for timber having legal documents and of legal origin but the real quantity of timber exceeds the allowable volume as regulated by MARD).
- c) Confiscation of vehicles (except for vehicles which are illegally appropriated and used as regulated in Items 8 and 9 of Article 12 of this decree) as in one of following cases:
- Organized crime
 - Repeated violations
 - Going against authorities
 - Using cars with two compartments, two bottoms, two covers, fixing cars without registration papers issued by authorized governmental bodies for cars which must be registered, having false car number plates as regulated by the law.
- d) Transporting timber not listed as endangered, rare or precious timber with a volume from 1.5 m³ upwards; timber listed as endangered, rare and precious timber from Group IIA with a volume from 0.5 m³ upwards.
- e) Transporting forest plants and their parts, (except timber) listed as as endangered, rare and precious plants from Group IIA worth from 10,000,000 VND upwards; wild animals not listed as endangered, rare or precious species and their body parts worth from 3,000,000 VND upwards; endangered, rare and precious species from group IIB or their parts worth from 2,000,000 VND upwards.

In cases of illegally transporting two or more types of timber (timber not listed as as endangered, rare or precious timber and rare and precious from Group IIA) or many various types of forest products (except for timber) listed as endangered, rare and precious species, though the quantity of each type of timber or the value of each type of forest product is not so high that the vehicles will be confiscated, the total quantity of all the illegally transported types of timber has a volume of more than 1.5 m³ or the total value of all the illegally transported types of forest products other than timber worth 10,000,000 VND upwards.

11. Owners of forest products will be punished for the illegal action of trading forest products according to Article 21 of this Decree.

12. Owners of vehicles shall be given the same punishment as that regulated for people illegally transporting forest products as prescribed in this Article (but for cases in which vehicles are appropriated or illegally used as defined in Items 8 and 9 of Article 2 of this Decree).

Article 21: Illegal trade, storage, process and business of forest products

Persons who commit the crimes of illegal trade, storage, process and business of forest products either without lawful papers or with lawful papers but not in a manner that accords with the contents of the documentation, or without permission in a situation where the law stipulates that it is necessary to obtain permission will be fined as follows:

1. Receive an administrative fine from 3,000,000 VND to 10,000,000 VND for violations in which exhibits belong to one of following cases:

- a) Wild animals not listed as endangered, rare or precious species or their parts worth less than 7,000,000 VND.
- b) Wild animals listed as endangered, rare and precious species from Group IIB or their parts worth less than 4,000,000 VND.
- c) Timber not listed as as endangered, rare or precious species with a volume of less than 2 m³.
- d) Timber listed as as endangered, rare and precious species from Group IIA with a volume of less than 1 m³.
- e) Forest plants listed as as endangered, rare and precious species from Group IIA or their parts (except for timber) worth less than 10,000,000 VND.

2. Receive an administrative fine from 10,000,000 VND to 20,000,000 VND for violations in which exhibits belong to one of following cases:

- a) Wild animals not listed as endangered, rare or precious species or their parts worth from 7,000,000 VND to 13,000,000 VND.
- b) Wild animals listed as endangered, rare and precious species from Group IIB or their parts worth from 4,000,000 VND to 8,000,000 VND.
- c) Timber not listed as as endangered, rare or precious species with a volume from 2 m³ to 4 m³.
- d) Timber listed as as endangered, rare and precious species from Group IIA with a volume from 1 m³ to 1.5 m³.
- e) Forest plants listed as as endangered, rare and precious species from Group IIA or their parts (except for timber) worth from 10,000,000 VND to 20,000,000 VND

3. Receive an administrative fine from 20,000,000 VND to 30,000,000 VND for violations in which exhibits belong to one of following cases:

- a) Wild animals not listed as endangered, rare or precious species or their parts worth from 13,000,000 VND to 20,000,000 VND.
- b) Wild animals listed as endangered, rare and precious species from Group IIB or their parts worth from 8,000,000 VND to 12,000,000 VND.
- c) Timber not listed as as endangered, rare or precious species with a volume from 4 m³ to 6 m³.
- d) Timber listed as as endangered, rare and precious species from Group IIA with a volume from 1.5 m³ to 2 m³.
- e) Forest plants listed as endangered, rare and precious species from Group IIA or their parts (except for timber) worth from 20,000,000 VND to 30,000,000 VND.

4. Receive an administrative fine from 30,000,000 VND to 50,000,000 VND for violations in which exhibits belong to one of following cases:

- a) Wild animals not listed as endangered, rare or precious species or their parts worth from 20,000,000 VND to 35,000,000 VND.
- b) Wild animals listed as endangered, rare and precious species from Group IIB or their parts worth from 12,000,000 VND to 20,000,000 VND.
- c) Timber not listed as as endangered, rare or precious species with a volume from 6 m³ to 10 m³.
- d) Timber listed as as endangered, rare and precious species from Group IIA with a volume of 2 m³ to 3 m³.
- e) Forest plants listed as endangered, rare and precious species from Group IIA or their parts (except for timber) worth from 30,000,000 VND to 50,000,000 VND.

5. Receive an administrative fine from 50,000,000 VND to 100,000,000 VND for violations in which exhibits belong to one of following cases:

- a) Wild animals not listed as endangered, rare or precious species or their parts worth from 35,000,000 VND to 70,000,000 VND.
- b) Wild animals listed as endangered, rare and precious species from Group IIB or their parts worth from 20,000,000 VND to 40,000,000 VND.
- c) Timber not listed as as endangered, rare and precious species with a volume from 10 m³ to 20 m³.
- d) Timber listed as as endangered, rare and precious species from Group IIA with a volume from over 3 m³ to 7 m³.
- e) Forest plants listed as as endangered, rare and precious species from Group IIA or their parts (except for timber) worth from 50,000,000 VND to 100,000,000 VND.

6. Receive an administrative fine from 100,000,000 VND to 200,000,000 VND for violations in which exhibits belong to one of following cases:

- a) Wild animals not listed as endangered, rare or precious species or their parts worth from 70,000,000 VND to 135,000,000 VND.
- b) Wild animals listed as endangered, rare and precious species from Group IIB or their parts worth from 40,000,000 VND to 80,000,000 VND.
- c) Forest plants listed as as endangered, rare and precious species from Group IIA or their parts (except for timber) worth from 100,000,000 VND to 200,000,000 VND.

7. Receive an administrative fine from 200,000,000 VND to 300,000,000 VND for violations in which exhibits belong to one of following cases:

a) Wild animals not listed as endangered, rare and precious species or their parts worth from 135,000,000 VND to 200,000,000 VND.

b) Wild animals listed as endangered, rare and precious species of Group IIB or their parts worth from 80,000,000 VND to 120,000,000 VND

8. Receive an administrative fine from 300,000,000 VND to 400,000,000 VND for violations in which exhibits belong to one of following cases:

a) Wild animals not listed as endangered, rare or precious species or their parts worth from 200,000,000 VND to 270,000,000 VND.

b) Wild animals listed as endangered, rare and precious species from Group IIB or their parts worth from 120,000,000 VND to 160,000,000 VND

9. Receive an administrative fine from 400,000,000 VND to 500,000,000 VND for violations in which exhibits belong to one of following cases:

a) Wild animals not listed as endangered, rare or precious species or their parts worth over 270,000,000 VND.

b) Wild animals listed as endangered, rare and precious species from Group IIB or their parts worth over 160,000,000 VND.

10. Violators of regulations of Items 1 through 9 of this article will also have exhibits confiscated; deprived of the right to use permits/business certificates as regulated in Point B, Item 1 of Article 41 of this decree.

11. In cases of illegal store of forest products in which the subject cannot prove that the forest products belong to other people, the owner of the workshop or accommodation will be punished according to this Decree.

Article 22. Violating administrative procedures in the purchase, sale, shipment, process, trade and storage of forest products

1) Receive an administrative fine from 1,000,000 VND to 3,000,000 VND if violations belong to one of following cases:

a) Owners of workshops who process, trade, buy and sell forest products without recording appropriate information into import-export books of forest products in observance of the law.

b) Forest owners who process, transport, trade, buy and sell wild plants listed as endangered, rare and precious species from Group IIA and their parts; wild animals which legally originate from farming and their parts do not comply with current regulations of the Government on the order and procedures of management.

c) Forest owners who transport, trade, buy and sell and store cultivated forest timber, home-grown timber, scattered cultivated trees with legal origin but do not comply current regulations of the Government on the order and procedures of management.

2. Imposing financial fines of 3,000,000 VND to 5,000,000 VND upon owners of forest products that transport, buy, sell, process, trade and store forest products with legally imported origins but do not conform to the existing regulations on management order and procedures issued by government.

3. Imposing financial fines from 5,000,000 VND to 10,000,000 VND upon owners of forest products who transport, buy, sell and store natural forest timber with legal origins but do not conform to the existing regulations on management order and procedures issued by government.

Chapter III

Authority to Impose Administrative Fine

Article 23. The authority of forest rangers to impose financial fines

1. Rangers who are executing assigned missions have the right to censure or impose financial fines of a maximum of 200,000 VND upon violators.

2. Heads of Ranger Stations have the right to impose censure or financial fines of up to 5,000,000 VND upon violators and confiscate administrative violation evidence and vehicles which are worth up to 20,000,000 VND.

3. Heads of Forest Protection Departments of district level, special use forests, protective forests (hereafter referred to as FPD), heads of Mobile Ranger Teams (Mobile Ranger and Fire Prevention and Fighting Teams) have the right to impose censure or financial fines of up to 10,000,000 VND, confiscate administrative violation evidence and vehicles which are worth up to 30,000,000 VND, and apply solutions for settling consequences that violators have caused and are regulated in Items 1, 3, 5 of Article 6 of this decree.

4. Chiefs of City and Provincial Forest Protection Departments and Chiefs of Specialized Ranger Teams have the right to impose censure or financial fines of a maximum of 20,000,000 VND; withdraw the right of violators to use exploitation permits in accordance with Point B of Item 7 of article 18; withdraw the right of violators to use gun-hunting permits, certificates of registration of farming animals for reproductive purposes, business certificates in compliance with Item 11 of Article 19; withdraw the right of violators to use special transportation permits/driving licenses as regulated in Point A, Item 10 of Article 20 of this decree; confiscate violation evidence and vehicles and apply solutions for settling the consequences violators have caused that are regulated in Article 6 of the decree.

5. The Head of the National Forest Protection Department has the right to impose censure or financial fines of a maximum of 500,000,000 VND; withdraw the right of violators to use exploitation permits in accordance with Point B of Item 7 of the Article 18; withdraw the right of violators to use gun-hunting permits, certificates of registration of farming animals for reproductive purposes, business certificates in compliance with Item 11 of Article 19; withdraw the right of violators to use special transportation permits/driving licenses as regulated in Point A, Item 10 of Article 20 of this decree; confiscate violation evidence and vehicles and apply solutions for settling the consequences violators have caused that are regulated in Article 6 of the decree.

Article 24. The Authority of Chairpeople of People's Committee at all levels in administrative fines

1. Chairpersons of Communal People's Committees have the right to impose censure fine or financial fined of up to 2,000,000 VND; confiscate violation evidence and vehicles which are worth up to 2,000,000

VND and apply solutions for settling consequences violators have caused that are regulated in Item 1, 4 of Article 6 of the decree.

2. Chairpersons of District People's Committees have the right to impose censure fine or financial fines of up to 30,000,000 VND; withdraw the right of violators to use exploitation permits in accordance with Point B of Item 7 of the Article 18; the right of violators to use gun-hunting permits, certificates of registration of farming animals for reproductive purposes, business certificates in compliance with Item 11 of Article 19; withdraw the right of violators to use special transportation permits/driving licenses as regulated in Point A, Item 10 of Article 20 of this decree; confiscate violation evidence and vehicles and apply solutions for settling the consequences violators have caused that are regulated in Article 6 of the decree.

3. Chairpersons of the provincial People's Committee is entitled to decide precaution punishment or pecuniary penalties of 500,000,000 VND; withdraw the right of violators to use exploitation permits in accordance with Point B of Item 7 of the Article 18; withdraw the right of violators to use gun-hunting permits, certificates of registration of farming animals for reproductive purposes, business certificates in compliance with Item 11 of Article 19; withdraw the right of violators to use special transportation permits/driving licenses as regulated in Point A, Item 10 of Article 20 of this decree; confiscate violation evidence and vehicles and apply solutions for settling the consequences violators have caused that are regulated in Article 6 of the decree.

4. Local Forest Management Departments are responsible for assisting People's Committee of the same level in making decisions on fining administrative violators in accordance to their authority stipulated in this Decree.

Article 25. Delegation of power to fine administrative violations

1. Persons who have authority to fine administrative violations as prescribed in Items 3, 4, 5 of Article 23 and Article 24 in this Decree can delegate the power to fine administrative violators to their deputy.

2. Delegation of authority must be made in writing in which the scope, content and duration of power of delegation must be specified. Authorized persons take full responsibility to the law for his or her decision on administrative fines to his or her superiors.

Article 26. Determination of jurisdiction to fine administrative violations

1. Power to impose administrative fines as specified in Articles 23 and 24 in this Decree is the competence applicable to one administrative violation case.

2. Jurisdiction to impose an administrative fine is determined by the maximum amount of pecuniary penalty applicable for each action of administrative violation.

In cases that the amount of the administrative fine, the value of the confiscated exhibits and vehicles or one of the punishments or measures to settle consequences do not come under or fall outside the jurisdiction of the person who is taking charge of the case, must be transferred to the person who has the authority to fine.

3. Jurisdiction to administer fines to a person who commits more than one administrative violation is determined as follows:

a) If the form and amount of fine applied to each individual violation is under the competence of the authority, then jurisdiction to fine belongs to the authority.

b) If the form and amount of fine applied to one of the violations is beyond the competence of the authority, then the case must be transferred to the person who has the power to fine.

c) If actions of administrative violation are under competence of punishment of various persons of different sectors, the jurisdiction to give the fine will belong to the chairman of People's Committee at the level having the authority to fine in the place in which the violation occurs.

4. In cases that administrative violations cause damage to forests owned by various adjacent localities, the jurisdiction to fine will belong to the locality where the forest is damaged most significantly by the administrative violation.

5. Concerned agencies such as police, border soldiers, customs, taxation, market management, special inspection and forest owners have responsibility to act in close cooperation with the FPD in investigating and preventing actions of administrative violations regarding forest management, protection and forest product management. When cases are discovered, minutes should be made in accordance with the regulation; documents and exhibits of the case within five days of the minutes being made, must be transferred to FPD of same level for their decision on appropriate fines. If cases are beyond its competence of judgment, the FPD has to transfer documents from the case to the appropriate authority agency which has the power to fine as specified by Articles 23 and 24 of this Decree. If there is no provincial or district FPD, violations found by authorities should be transferred to the provincial or district People's Committee so that the Chief of People's Committee at these levels are able to decide fines in compliance with his or her power. Agencies dealing with violations are responsible for refunding costs for capture and preservation of exhibits to the agency that has transferred the case documents.

Article 27. Dealing with cases beyond competence to fine administrative violations

1. In cases of pecuniary penalties for violations, exhibits, medium of violations with value beyond the competence to fine at one level, case documents must be transferred to an authority agency which has the power to fine within the period as specified by Article 36 of this Decree. The transfer of documents is specified as follows:

a. If cases are beyond the competence of the ranger, cases should be decided by his direct supervisor.

b. If violations are beyond the competence of the Chief of the Forest Protection Station, Chairman of the communal People's Committee, then cases should be transferred to the Chief of the district FPD.

c. If violations are beyond the competence of Chief of the district FPD, then cases should be decided by the Chief of the provincial FPD or the Chairman of the district People's Committee where the violation occurs.

d. If violations are beyond the competence of Chief of the Forest Protection Mobile Team, Forest Fire Prevention and Fighting Department, then cases should be decided by the Chief of the provincial Forest Protection Department.

e. If violations are beyond the competence of the Chairman of district People's Committee, Chief of the provincial FPD, then they should be decided by the Provincial People's Committee.

f. If violations are beyond the competence of Head of National Park FPD under National FPD, cases should be passed to authorized bodies (Provincial FPD or the Chairman of district or provincial People's Committee where the violations happen or pass to the national FPD) for punishment.

2. Case documents must be transferred to authorized agencies through the Forest Protection network. Forest products and medium of violations which are held in custody shall be preserved by the agency who decided custody until a decision from an authorized agency is given. After the punishment decision is made, the Forest Protection agencies are responsible for the implementation of the decision.

Chapter IV **Application of preventive measures**

Article 28. Implementation of body search/custody in accordance with administrative procedures

1. Body searches in accordance with administrative procedures shall be performed as specified by Article 47 under Ordinance on Settlement of Administrative Violations.

2. Custodies as in accordance with administrative procedures are made in accordance with articles 44, under the Ordinance on Settlement of Administrative Violation; Item 18, Article 1 of the Ordinance No 04/2008/PL-UBTVQH12 dated 02/04/2008 issued by the Standing Committee on Adjustment and Supplementation of Some Articles of the Ordinance on Settlement of Administrative Violation (hereafter referred to as the Ordinance on Adjustment and Supplementation of Some Articles of the Ordinance on Settlement of Administrative Violation) and Decree No. 162/2004/NĐ-CP dated 07/09/2004 issued by the Government on the issuance of Regulations on custody of violators according to administrative procedures.

Article 29. Search of transportation modes/objects

When there is evidence to support that transportation modes, bags, containers, etc secretly carry illegal forest products, Chief of Special Forest Protection team, Chief of the district FPD, Chief of Mobile Forest Protection team and Chief of Forest Fire Prevention and Fighting Team, officials from Forest Protection Department are entitled to carry out examinations, investigations, use pennants, signal boards, horns or flashlights (when it is dark) to give signals requiring the controller of transportation mode on road or sea to stop for investigation of forest products. Searching modes/objects is done in accordance with Article 48 under the Ordinance on Settlement of Administrative Violation.

Article 30. Search of hiding place of exhibit, medium of administrative violations

Those who are specified in Item 18, Article 1 of Ordinance on Adjustment and Supplementation of Some Articles of the Ordinance on Settlement of Administrative Violation, Chief of district FPD, Chief of Mobile FPD and Forest Fire Prevention and Fighting Team under the force of FPD and other functional authorities clarified in Item 5 Article 26 of this Decree, in performance of the jurisdiction of inspections/ investigations regarding forest management, protection and forest product management is entitled to make decisions on searching areas in forest, hiding places of forest products, mediums of administrative violations as specified in Item 20 Article 1 under Ordinance on Adjustment and Supplementation of Some Articles of the Ordinance on Settlement of Administrative Violation. In searching hiding places of exhibits and mediums of administrative violations which are homes, decisions on searching must be approved in writing by the Chairman of the district People's Committee where the exhibits/mediums are hidden before the search is carried out. Under the regulation of this article, homes are a place in which an individual or household dwells regularly as permanently registered residence or temporarily registered residence; in cases where vehicles are the dwelling place for individuals, households, they must be registered.

It is not acceptable to search areas where exhibits, vehicles of administrative violations are stored at night, but in cases that there is evidence that exhibits and mediums of the administrative violations will be moved or destroyed if the search is not carried out swiftly, or cases in which it is impossible to carry out collection of evidence or the search has been conducted and is not completed. In these cases, the reason for the search must be clearly stated in supporting documents.

Article 31. Custody of exhibit, medium of administrative violations

1. On discovering administrative violations in respect of forest management, forest protection and forest product management, if it is necessary to hold in custody illegal exhibits and mediums to prevent administrative violations, to verify information useful for punishment or to guarantee implementation of punishment by the Chief of Special Mission FPD, Chief of district FPD, Chief of Mobile FPD and Forest Fire Prevention and Fighting Team and other people regulated in Items 18 and 19, Article 1 of the Ordinance on Adjustment and Supplementation of Some Articles of the Ordinance on Settlement of Administrative Violation has the right to hold exhibits and mediums of administrative violations in custody.

Custody of exhibits and mediums of administrative violations are implemented in accordance with Item 19, Article 1 of Ordinance on Settlement of Administrative Violation.

2. Period of custody of medium of administrative violation

a. In cases violations are simple, clear and without any need to carry out further investigation, the medium of administrative violation shall be within 10 days maximum.

b. In cases violations are complicated and further investigation is required, time periods of medium of administrative violations kept in custody can be prolonged, but not beyond 60 days, as it is in temporary custody.

The amount of time of keeping medium of administrative violations specified in Point A and B of Item 2 of this Article is calculated according to working days with exclusion of days off in accordance with the law.

Chapter V

Procedures of settlement of administrative violation and execution of the punishment decision

Article 32. Suspension of action of administrative violations

Once an administrative violation regulated in Articles 8 through 22 of this Decree or activities of individuals or organizations which are prone to cause fire, damage to forests are discovered, authorities with power to give fines being on duty must make decisions on immediate suspension of such actions. Depending on the actual situation, decisions on suspension may be expressed in writing, or in oral form, horns, signals or other forms. After decisions on suspensions are given, rangers should give notice to his/her superior shortly after the event.

Article 33. Settlement of administrative violation with simple procedures

In cases fined by persons in authority without minutes:

1. Cases to be settled with simple procedures:

a) Action of administrative violations that falls into precaution punishment or pecuniary penalties from 10,000 VND to 200,000 VND.

b) Multiple actions of administrative violations caused by the same person with individual actions falling into a precaution punishment or pecuniary penalties from 10,000 VND to 200,000 VND.

2. Decisions on settlement of administrative violations with simple procedures must be made in writing of standard form; contents of the punishment decisions have to be sufficient in accordance with regulations stipulated in Item 21 Article 1 of the Ordinance on Adjustment and Supplementation of Some Articles of the Ordinance on Settlement of Administrative Violation. Punished individuals and organizations may pay pecuniary penalties on site to decision makers and be given a receipt issued by the Ministry of Finance.

Article 34. Drawing up minutes of administrative violations

1. Persons with authority to fine administrative violations and discover illegal administrative actions when being on duty shall have to draw up minutes in conformity with Item 22 Article 1 under the Ordinance on Adjustment and Supplementation of Some Articles of the Ordinance on Settlement of Administrative Violation except for cases of fining administrative violations with simple procedures in accordance with Item 21, Article 1 under the Ordinance on Adjustment and Supplementation of Some Articles of the Ordinance on Settlement of Administrative Violation.

2. Agencies under Item 5, Article 26 of this Decree shall have to draw up minutes for inspections, custody of exhibits, and mediums of administrative violations, transfer them to Forest Protection Agency as specified when fining action of administrative violations regarding to forest management, protection and forest product management. Such minutes set up and transferred by forest management agency shall be used as evidence for settlement of administrative violations.

3. When forest owners catch individuals or organizations in the act of forest administrative violations within territory of forests managed by them, they are entitled to hold in custody exhibits and mediums, draw up minutes, extradite violators and transfer documents and violators to the FPD or the People's Committee of the commune, ward, township where cases occur. Such minutes prepared by forest owners forest shall be used as evidence for authorized bodies to make minutes and give out administrative fines.

4. In cases that exhibits, mediums of violations are discovered without owner, or with absence of owner, persons as specified in Items 1 and 2 of this Article shall have to draw up detailed minutes for forest products, keep exhibits and mediums of violations in custody and carry out investigations, verifications and search for violators as specified by laws.

Article 35. Making punishment decision on administrative violations

1. After level of violations are verified, competent persons have to take into consideration regulations stipulated in Item 3 of this decree to decide form and level of punishment for each violation.

2. Determining the average pecuniary penalty:

Amount of administrative fine for administrative violation without mitigating circumstances or aggravating circumstances will be the average of pecuniary penalties within the penalty frame as regulated for the violation. This average is calculated by sharing alike the total of the minimum and maximum.

3. Decisions on punishing administrative violations shall comply with its competence, order, procedure and form as stipulated in this Decree. Content of punishment shall be sufficient in accordance with Article 56 of Ordinance for Settlement of Administrative Violation. If settlements are applied in accordance with Item 4, Article 44 of this Decree, it should be clearly specified in the decision on fines.

Article 36. Periods for making decisions on fining administrative violations

1. Period of deciding fines:

a) For simple cases or visible violations where there is no need for further verification, periods for deciding punishment shall be within 10 working days from the day minutes are made for administrative breach.

b) For complex cases requiring further evidence, mediums to be appraised or administrative violators or other complicated information to be identified, the period deciding punishment shall be within 30 days from the day minutes are made for administrative breach.

If more time is required for gathering evidence or verification within 10 days before the deadline, authorized punishers shall submit reporting minutes to persons at a higher level and with power to make extensions; maximum extensions are not allowed to exceed 30 days.

c. Periods for making penalty decisions shall be based on working days, not including holidays according to regulations of the Labor Code.

2. Extension shall be carried out as follows:

a) Chief of district FPD extends violations that chief of the Forest Protection Station has jurisdiction to impose fines.

b) Chief of provincial FPD extends jurisdiction to impose fines to Chief of Mobile Forest Protection Team, Forest Fire Prevention and Fighting Team, Chief of district FPD.

c) Chairperson of District People's Committee extends jurisdiction to impose fines to Chairperson of communal People's Committee.

d) Chairperson of Provincial People's Committee jurisdiction to impose fines to Chief of Provincial Forest Protection Department, violations that are of competence to fine by Chairperson of District People's Committee and violations that are under his/her jurisdiction.

e) Chief of the National FPD extends jurisdiction to impose fines to Special Forest Protection Teamh.

3. Cases which are not allowed to be decided for punishment:

a) Reached expiry according to regulation of Point A, Item 1 of this Article.

b) Reached deadline for decision of punishment as stipulated in Point B, Item 1 of this Article without any application for extension or with unproved application for extension by authorized persons.

c) Reached expiry for approving application for extension by the authorized persons.

4. In cases where no punishment has been decided, authorized persons can still make decisions applied with measures for overcoming consequences as stipulated in Article 6 of this Decree and make decisions regarding confiscation of forest products considered as evidence of administrative violations.

Article 37. Decisions on compulsorily overcoming consequences in case of no decision on punishing administrative violations

1. In cases exceeding the period of punishment as stipulated in Article 4 of this Decree or exceeding periods of decision-making on punishing administrative violations as stipulated in Item 3, Article 36 of this Decree, authorized persons for punishing shall not be allowed to make decisions on punishment, but are allowed apply measures to overcome results following confiscation of forest products considered as evidence of administrative violations.

2. Decisions on compulsorily overcoming consequences shall be made in writing based on approved forms. Decision must clearly identify such information as the date, month and year of the decision; full name and the title of decision-makers; full name, address and job title of violators or name and address of violating organizations; action of administrative violations; information related to settlement of cases; articles and items of applied law documents; reason/s for not applying punishment; applied measures for settling consequences; period of implementation of the decision of overcoming the; the number and quantity of the confiscated forest products; signature of the decision-maker.

Article 38. Valuation on evidence, medium of administrative violations for the evidence of the making decision on administrative fine frames and the authority of giving fines

1. After holding in custody evidence and mediums of administrative violations, persons who have authority to decide punishments must have them valued, which will be used as basis for identification of administrative fine frames, authority to give fines to administrative violators, and will also be responsible for valuation of evidence and mediums of administrative violations.

2. Depending on each specific type of evidence and mediums, the valuation of evidence and tools of administrative violations will be defined according to following priority basises:

a) Fixed price or price defined in the contract receipt or purchase or import declaration paper.

b) Market price of exhibits and the mediums according price report of local Finance agency at time and place administrative violations are found

c) Price of evidence and medium of goods that have not yet been sold.

d) Price of false exhibits and mediums will be calculated according to market price of real equivalent or ones with same features, techniques and uses at time and place administrative violations are found.

e) The remaining practical price of exhibits and mediums.

3. In cases where price of exhibits and mediums cannot be defined according to regulations in Item 2 of this Article, persons with authority to fine will establish a valuing Council, which must include the representative from Provincial Center for Auction Service or District Finance body. Persons establishing the valuing council will base it on the nature and characteristic of each case to decide make up of the council, including representatives from related specialized agencies.

If the valuation decision of illegal exhibits and mediums fall under the jurisdiction of persons making custody decisions on the holding of evidence, they will make confiscation decisions. In cases where the valuation decision of illegal exhibits and mediums are outside the jurisdiction of persons holding evidence in custody will be transferred to authorized persons.

4) Basis for valuations and documents related to the valuation of goods, exhibits and mediums of the administrative violations must be recorded in the punishment profile of administrative violations.

Article 39. Signing and sealing decision on punishing administrative violations

1. Decisions on punishing administrative violations shall be directly signed by the person authorized to fine administrative violations and trustees for punishing administrative violations. Documents are not permitted to be signed on-behalf.

2. Sealing decisions on punishing administrative violations.

a) Persons authorized to punishing administrative violations and trustees for punishing administrative violations have the right to make agency stamps for persons authorized for punishing administrative violations. Seals shall be placed over one-third of the left-hand side of signatures.

b) In cases persons authorized to punish administrative violations are not allowed to seal, his or her decision be sealed by decision-makers, and seals shall be placed in the top left corner of decision papers along with the name of the punishing agency, N^o, and code of decision.

Article 40. Collecting and paying fines

1. Collecting fine

a. The State Treasury is responsible for organizing collection of financial fines, facilitating persons who pay. Fines should be collected according to decisions on imposing financial fines issued by authorized persons as specified in the Ordinance of Settlement of Administrative Violation.

b. Authorized persons for punishing administrative violations are allowed to collect money from place administrative violations occur in cases as follow:

- Financial fines ranging from 10,000 VND to 200,000 VND;
- Financial fines imposed outside of working hours;
- Assigned places for collecting fines are located in remote areas, on the river, by the sea or those which are difficult to access.

c. In cases where violating individuals or organizations cannot pay fine at places administrative violations occur, they are required to pay fines directly to the State Treasury in accordance with regulations. Authorized persons imposing financial fines should be responsible to make decisions regarding financial fines to those who are punished, and to the State Treasury where the fine should be collected within three days or the Decision being issued.

2. Period for fine payment

a. Individuals and organizations that submit money to the State Treasury, should ensure that payment is equal to that written on receipts and Decision on financial fines issued by competent agencies and submissions should be made within two days of fines being collected.

b. In cases fines are given in remote areas or those difficult to access, authorized persons of punishing administrative violations should be allowed to collect onsite fines and be responsible for submitting monies to the State Treasury within seven days of fines being collected. If violators cannot pay an onsite fine, the fining should be carried out in accordance to Item 3 of this Article.

c. If the place fines are collected are located on rivers or sea, authorized persons imposing financial fines should be allowed to collect onsite fines and be responsible to add monies to the State Treasury not exceeding two days after reaching the mainland. In cases the violators cannot pay onsite fines, they must pay fines to the State Treasury within two working days of reaching the mainland.

3. If the onsite fine collection is not applied (except for regulations under point c, item 2 of this Article), punished individuals or organizations shall be required to pay fines at the State Treasury mentioned in decisions on administrative fines within 10 days of receiving decisions.

The State Treasury is responsible for timely informing agencies deciding fines of cases in which the punished individuals or organizations do not pay fines after the deadline has passed, so violators can be coerced in accordance with the law.

4. Management and use of monies collected from administrative fines:

a) All monies collected from administrative fines should be contributed to the State Budget through an account opened in the State Treasury.

b) Use of financial fines contributed to the State Budget in supporting agencies and organizations that carry out administrative punishments should be performed in accordance to the law on State Budget.

Article 41. Revoking license use right, working certificate

1. Depriving the right to use licenses and working certificates are additional punishments, attached to main punishments in the following cases:

a) Any behaviors that violate regulations under Article 18 of this Decree that is applied to average fine of more than 30,000,000 VND.

b) Any behaviors that violate regulations under Articles 19, 20 and 21 of this Decree that receive average fines of 20,000,000 VND.

2. Authorized persons for punishing administrative violations are granted with power to deprive violators of the right to use licenses and working certificates. Within three days of the decision on the financial being made, decision-makers must send a written report regarding the deprivation of licenses and working certificates to agencies who grant said licenses and working certificates.

3. Procedures to deprive the right to use licenses and working certificate shall be performed in accordance to regulations under Article 59 of the Ordinance on Settlement of Administrative Violation.

Article 42. Settlement of violation made minute by the forest owner

1. Violations of forest management, forest protection and forest product management of which minutes are made by forest owners have to complete and update profiles and be addressed in accordance with this decree.

2. Confiscated forest products shall be returned to forest owners in following cases:

a) Forest owners themselves catch violators in the act in his or her forestry area.

b) Forest owners themselves do not catch violators in the act, but have sufficient evidence to prove that forest products are exploited from planted forests that he or she is planting and protecting with his or her own money.

Article 43. Settling evidence, medium of administrative violation

1. Evidence or mediums of administrative violations held in custody:

When evidence includes fresh and live products, weak or injured wild animals not listed under group IB or other fresh forest products outside of IA group, authorized persons shall make minutes and carry out sales at prices defined by the provincial People's Committee. Monies collected from sales will be sent to an account opened in the State Treasury. If evidence is then confiscated under decision made by authorized persons, remaining monies after expenses are deducted as stipulated by law shall be put into the State budget; in cases that evidence is not confiscated, monies collected shall be returned to the legal owner, manager or user.

2. For confiscated evidence, mediums of administrative violations:

a) Settlement of evidence that includes confiscated forest animals is implemented according to the instructions of the Ministry of Agriculture and Rural Development.

b) If violators are willing to pay fines equal to the value of the confiscated forest products (the value is calculated according to prices speculated by the Provincial People's Committee), authorized persons shall collect fines and then turn monies over to the State Treasury and return confiscated forest products, except for rare and precious forest products listed under Group IA and IB and those that should be settled in accordance to Point A, Item 2 of this Article.

c)) If confiscated mediums of violations are considered poor and out-of-date as specified in the law, the provincial FPD shall preside and cooperate with counterpart financial agencies at the same level and other related agencies to make minutes to sell or destroy them as waste.

d) Confiscated evidence, mediums of administrative violations used in administrative violations which are not regulated in Item 1 or Points A, B or C in Item 2 of this Article shall be settled as follows:

- Within 10 working days of evidence and mediums of administrative violations being confiscated to added to State fund, decision-making agencies shall send the decision on seizing report to the authorized Auction Center. In cases where Governmental authority agencies decide to confiscate exhibits and mediums of administrative violations, they will be transferred for sale to the Auction Center located in the province where violations occur, and the transfer shall take place where exhibits and mediums of administrative violations are confiscated. After transfer, the Auction Center is responsible for the management and reservation of these exhibits and mediums.

- Within one month of receiving the exhibits' profiles, the Auction Center auction illegal exhibits and mediums in compliance with the regulations of the law. If deadlines are exceeded, the Provincial FPD will organize the auction and contribute monies to the treasury and inform counter financial agencies.

e) Provinces and districts having no Forest Protection Agencies, forest products after being confiscated should be transferred to counterpart financial agencies for organizing auctions in accordance to existing regulations.

Article 44. Executing decision on punishing administrative violations

1. Having made decision on punishment, persons authorized to fine shall send decisions to violators or have them collect the decision regarding the fine. If after one year authorized persons cannot send punishment decisions to violators, decision-makers shall decide on suspending the performance of punishment, except for confiscating evidence and mediums of administrative violations.

2. Decisions made regarding punishment of administrative violations should be performed within 10 days of the date violators receive decisions, except in cases fines are paid many times due to regulations stipulated in Item 24, Article 1 of the Ordinance on the Amendment and Supplementation of Some Articles of the Ordinance on Administrative Penalty or the execution of the decision financial fines is suspended in accordance to regulations under Article 65 of the Ordinance on Settlement of Administrative Penalty.

In cases penalty decisions on administrative violations has become invalid due to violators not being able to submit fines, decision-makers have to summarize and report to the principal FPD, which then reports to the provincial People's Committee for settlement.

3. In the event that the place in which administrative violations occurs is not the permanent residence or headquarter of violators meaning violators are not able to pay fines at the place they receive the fine; punishment decisions shall be transferred to counterpart agencies located in violator's residential areas or in areas that the violator's headquarters are based for its settlement. In cases violator's residential areas or the area that the violator's headquarters are based does not include counterpart agencies, punishment decisions shall be submitted to the People's Committee of District level for its settlement.

If violations occur in district-level areas belonging to mountainous and island provinces or remote areas, which create no favorable conditions for violating individuals or organizations to fulfill punishments at places the fine was handed down, decisions shall be submitted to counterpart agencies located in violator's residential areas or violator's headquarters for its settlement.

4. In cases violators being fined and not having violating mediums confiscated, authorized punishers shall be entitled to hold operating licenses of the medium, driving licenses and other required documents or keep temporarily violating mediums in custody until the punishment decision is fully executed by all individuals involved in the crime.

Temporarily keeping administrative violating mediums to ensure performance of punishment decisions must be recorded in the fine decision, and it is required that temporary keeping of the drivers of mediums and medium owners, including the reason of holding in custody, is kept in minutes. Periods of being held in custody shall be applied until the full performance of the fine decision by punished violators. As soon as the full full settlement has been made, the authorized punisher must return mediums to violators.

Article 45. Coercing into performing administrative violating punishments

1. When periods for executing decisions on punishing administrative violations have been exceeded, if the violator is not self-aware to comply with punishment decision specified in Item 2, Article 44 of this Decree, he or she will be coerced into settlement.

2. Coercion into performance is under regulation of Item 27, 28 Article 1 of Ordinance Amendment and Supplementation of Some Articles of the Ordinance on Administrative Violation and Decree No 37/2005/NĐ-CP by the Government dated March 18th, 2005 regulating procedures for applying methods of coercing into performing administrative violating decisions.

Article 46. Transferring documents of administrative violation containing criminal sign for tracking down criminal responsibility

1. In reviewing cases for deciding fines, if violations include criminal activity, authorized persons shall have to criminally prosecute or immediately submit documents to authorized criminal agencies.

It is not allowed to retain documents regarding violations characterized with crime for administrative punishment

2. In cases where decisions regarding violating decisions have already been made, criminal sign is discovered within the period of tracking criminal responsibility, decision-makers shall revoke decisions and within 3 of the revokation, the decision-maker shall submit all documents to an authorized criminal agency.

3. Authorized criminal agencies are not allowed to refuse documents as stipulated in Items 1 and 2 of this Article. If consideration for those documents by authorized criminal agencies say that it is not sufficient to be considered a crime, the authorized criminal agency shall fulfill whole procedures as stipulated in Article 63, Ordinance on Settlement of Administrative Violation and other legal regulations as well as send back documents to the authorized agency for punishment administrative violations.

Article 47. Sample forms used in the settlement of administrative violation

1. Sample forms used in the settlement of administrative violations in respect of forest management, forest protection and forest product management are attached to this decree. (See the attached Appendices).

2. The Minister of MARD is responsible for organizing printing, issuance, management and guiding of consistent use of these sample forms of settlement of administrative violations in respect of forest management, forest protection and forest product management.

Chapter VI

COMPLAINT, ACCUSATION, SETTLEMENT OF VIOLATIONS

Article 48. Complaint and accusation

Complaints, accusations, and settlement of complaints and accusations should be carried out in accordance with regulations of the Law on Complaint and Accusation.

Article 49. Dealing with violations caused by persons authorized to deal with administrative violations

If persons authorized to deal with administrative violations is unqualified to solve violations, give out unreasonable fines, shield violators, give fines beyond their authority, appropriate and illegally use monies related to violations, evidence and mediums, create obstacles for producing and circulating forest products, he or she shall be served a strong warning or placed with criminal responsibility based on the level of violation; in cases of material loss, he or she shall be responsible to compensate for it as stipulated by Law.

Chapter VII

TERMS OF PERFORMANCE

Article 50. The validity and application principles

1. Execution validity

Effectiveness of this Decree shall be valid from 01/01/2010, and this decree will replace Decree 159/2007/NĐ-CP issued on Oct. 30th, 2007 by the Government on on Administrative Penalties Imposed on Violations in respect of Forest Control, Forest Protection and Forestry Products Management.

2. Application principles

a) Violations in respect of Forest Control, Forest Protection and Forestry Products Management discovered and written in minutes before the effectiveness of this Decree but has not been settled, if the amount of money fined for violations regulated in this decree are lower than that defined in Decree 159/2007/NĐ-CP issued on Oct. 30th, 2007 by the Government on on Administrative Penalties Imposed on Violations in respect of Forest Control, Forest Protection and Forestry Products Management, this violation will be fined according to this decree; in contrast, if the fined amount of money applied for this violation regulated in this decree is larger than that defined in Decree 159/2007/NĐ-CP issued on Oct. 30th, 2007 by the Government on on Administrative Penalties Imposed on Violations in respect of Forest Control, Forest Protection and Forestry Products Management, this violation will be fined according to Decree 159/2007/NĐ-CP.

b) Violations that occur prior to this decree coming into effectiveness, but is discovered and written in minutes after the effectiveness of this decree, will be dealt with according to regulations of this decree.

c) Violations which have been imposed with a valid fining decision, but the decision has not been settled, will be punished according to this decision.

Article 51. The Minister of Agriculture and Rural Development shall be responsible for arranging, monitoring and following up this Decree. If any problems arise during the performance of this Decree, it shall be instructed to be fulfilled consistently in accordance with regulations of the applicable laws.

Article 52. Ministers, Heads of Agencies at Ministerial Level, Heads of Governmental Agencies, Chairmen of People's Committee of Provinces, Cities under the Central Government shall be responsible to fulfill this Decree./.

On behalf of the Government
Prime Minister

Nguyen Tan Dung