|  |  |
| --- | --- |
| **THE GOVERNMENT****-------** | **SOCIALIST REPUBLIC OF VIETNAM****Independence - Freedom - Happiness****………….** |
| No.: 93/2013/ND-CP | *Hanoi, August 20, 2013* |

**DECREE**

**ON SANCTION OF ADMINISTRATIVE VIOLATION IN THE FIELD OF MARITIME AND INLAND WATERWAY TRANSPORT**

*Pursuant to the Law on organization of the Government dated December 25, 2001;*

*Pursuant to the Law on handling of administrative violations dated June 20, 2012;*

*Pursuant to the Vietnam Maritime Code dated June 14, 2005;*

*Pursuant to the Law on inland waterway transport dated June 15, 2004;*

*At the proposal of the Minister of Transport,*

*The Government issues the Decree stipulating the sanction of administrative violations in the field of maritime and inland waterway transport.*

**Chapter 1.**

**GENERAL PROVISIONS**

**Article 1. Scope of regulation**

1. This Decree provides for administrative violations, form of sanction, level of sanction, remedial measures for administrative violations and authority to sanction administrative violations in the field of transport maritime and inland waterway.

2. Acts of administrative violation in the field of maritime transport provided for in Chapter II of this Decree include:

a) Violations of regulation on construction and operation of seaports;

b) Violations of regulations on the maritime operation of ships at seaports;

c) Violations of regulations on registration, register of ships and crew allocation, use of professional certificates, seaman book and seaman passport;

d) Violations of regulations on maritime pilotage;

dd) Violations of regulations on business operations of maritime transport and services;

e) Violations of regulations on maritime search and rescue, salvage of sunken property and maritime signals;

g) Violations of regulations on crew training and coaching activities;

h) Violations of regulations on oil spill response, management of receiving and treatment of oily liquid waste from ships at seaports.

3. Acts of administrative violation in the field of inland waterway transport specified in Chapter III of this Decree include:

a) Violations of regulations on construction, protection and exploitation of infrastructure of inland waterway transport;

b) Violations of regulations on registration and register of vehicles;

c) Violation of regulations on conditions of crew and vehicle controllers;

d) Violation of traffic rules and signals of the vehicles;

dd) Violation of regulations on operation of port, inland wharf and waterway transport.

4. If the violations specified at Points b, c, d, dd, e, f, g and h, Clause 2 of this Article occur outside seaport water bodies shall also be sanctioned under the provisions of this Decree and other relevant regulations of law.

5. Other administrative violations related to maritime transportation, inland waterway not specified in this Decree shall be sanctioned in accordance with the provisions of Decrees on sanction of administrative violations in the related fields.

**Article 2. Subject of application**

1. Vietnamese individuals and organizations having acts of administrative violations in the field of maritime and inland waterway transport, person having competence in making a record and sanction of administrative violations in the field of maritime and inland waterway transport.

2. Foreign individuals and organizations having administrative violations in the territory, the contiguous zone, the exclusive economic zone and continental shelf of the Socialist Republic of Vietnam or on ships under Vietnamese flag shall be sanctioned for administrative violations in accordance with the laws of Vietnam, except where otherwise specified by international agreements in which the Socialist Republic of Vietnam is a contracting party.

3. The ship controller of sea ship and fishing vessel upon operating on inland waterways and having acts of violation specified in Article 33, Article 47, Article 48, Article 49 and Article 59 or fishing vessel having acts of violation specified in Article 42 and Article 50 of this Decree shall be administratively sanctioned under the provisions of such Articles; for other acts of administrative violations, the form and level of sanction are applied under the provisions of Chapter II of this Decree or Decree on sanction of administrative violations in the field of fisheries.

**Article 3. Statute of limitations for sanction of administrative violations**

The statute of limitations for sanction of administrative violations in the field of maritime and inland waterway transport is 01 year. For acts of administrative violation on seaport construction, maritime works and works of inland waterway transport infrastructure, environment, exit and entry of ships, crew and passengers, the statute of limitations is 02 years.

**Article 4. Form of sanction of administrative violation and remedial measures**

1. Individuals and organizations having acts of administrative violation in the field of maritime and inland waterway transport shall be subject to one of the main form of sanction for each act of violation:

a) A caution;

b) A fine;

2. Individuals and organizations having acts of administrative violation, depending on the nature and seriousness of the violation, shall be subject to additional forms of sanction as follows:

a) Depriving the right to use license and certificate of practice for a period from 01 to 24 months. The provisions of this Point shall not be applied for seaman Passport of the foreigners;

b) Suspending operation for a period from 01 to 24 months

c) Confiscating exhibits and vehicles used for administrative violations.

3. In addition to the forms of sanction specified in Clause 1 and Clause 2 of this Article, individuals and organizations having acts of administrative violation in the field of maritime and inland waterway transport have to take remedial measures specified in Chapters II and III of this Decree.

4. The maximum level of fine specified in Chapter II, III and IV of this Decree is the level which is applied to individuals. In case of fine for the same act of violation, the level of sanction for organizations is 02 times as much as the level of sanction for individuals.

5. For act of administrative violations whose level of sanction is prescribed according to the tonnage of ship, gross tonnage (GT) is the tonnage measured in accordance with the International Convention on tonnage measurement in 1969, specified in the certificate of register office. If the certificate is not specified with the ships tonnage, then the ships tonnage is converted as follows:

a) Cargo ship: 1.5 tons is calculated as 01 GT upon registration;

b) Tugship and push ship: 01HP is calculated as 0,5 GT;

c) Barge: 1 ton is calculated as 01 GT upon registration;

**Chapter 2.**

**ACTS OF ADMINISTRATIVE VIOLATION, FORMS OF SANCTION AND REMEDIAL MEASURES IN THE FIELD OF MARITIME TRANSPORT**

**SECTION 1.**

**VIOLATION ON CONSTRUCTION AND SEAPORT OPERATION**

**Article 5. Violations of regulations on naming, renaming seaports, offshore oil ports, ports, berths, buoys, water areas and water bodies**

1. A fine of between VND 30,000,000 and 50,000,000 shall be imposed on acts of naming, renaming of seaports, offshore oil ports, ports, berths, buoys, water areas and water bodies or use and transaction by name of  seaports, offshore oil ports, ports, berths, buoys, water areas and water bodies not in line with the names announced by the competent authority.

2. Remedial measures:

Coercively modifying and correcting name of seaports, offshore oil ports, ports, berths, buoys, water areas and water bodies in line with the name announced by the competent authority for acts of violations specified in Clause 1 of this Article.

**Article 6. Violation of the provisions of the re-letting of port and berth infrastructure**

1. A fine of between VND 60,000,000 and 80,000,000 shall be imposed on the re-letting of port and berth infrastructurewithout the lessor’s written consent.

2. A fine of between VND 80,000,000 and 100,000,000 shall be imposed on the sublessee’s letting of leased ports and berths.

3. Remedial measures:

Coercively surrendering the illegally amount of money earned by the acts of administrative violation specified in Clause 1 and Clause 2 of this Article.

**Article 7. Violation of provision on safety, security and order assurance in the seaport operation**

1. A caution shall be imposed on acts of entering and leaving port land or going on board without following the instructions of the competent person or authority;

2. A fine of between VND 200,000 and 500,000 shall be imposed on entering and leaving the port land or on ships without the permission of the competent agency or authority.

3. A fine of between VND 1,000,000 and 3,000,000 shall be imposed on one of the act of violation as follows:

a) Violations of regulations on the signal of berth limitation for ships to berth safely;

b) Failing to arrange person mooring and unmooring ships as prescribed;

c) Failing to announce control plan for ships to enter or leave port to the Port authority as prescribed;

d) Placing things on berth or occupying space above the berth to hinder ships to moor and leave the berth or other activities at the port.

4. A fine of between VND 3,000,000 and 5,000,000 shall be imposed on one of the act of violation as follows:

a) Using employees without permits and certificates of practice as prescribed;

b) Failing to make a timely report to the Port Authority on incidents and accidents related to the safety, security and environmental pollution at the ports.

c) Failing to provide the area Port Authority with the depth data of water bodies in front of berths as prescribed

d) Failing to carry out periodical survey to publish maritime announcement on the depth of water bodies in front of berths and other water bodies as prescribed.

5. A fine of between VND 5,000,000 and 10,000,000 shall be imposed on one of the act of violation as follows:

a) Letting ships enter port or moor at the seaport water bodies without permission of the Port authority;

b) Arbitrarily loading and unloading when the ships have not completed the procedures for port entry as prescribed;

c) The anti-collision buffer system and mooring bollard of berth are insufficient or unsafe for mooring ships;

d) There is no or not performing procedures for annual certification for seaport, port and berth security as prescribed  or not implementing the seaport, port and berth security Plan which has been approved as prescribed;

dd) There is no security officer of seaport as prescribed;

e) Arranging berth for ships to enter and leave without ensuring time or necessary conditions as prescribed;

6. A fine of between VND 30,000,000 and 60,000,000 shall be imposed on one of the act of violation as follows:

a) Operating ports not in line with their functions announced by the competent authority;

b) Letting ships moor the berth when it is not allowed to put into operation and use;

c) Failing to perform the inspection of quality of seaport infrastructure on schedule.

7. Additional sanction:

Suspending the receipt of ships operating on international line into ports from 01 to 06 months for acts of violation specified at Point d and dd, Clause 5 of this Article.

**Article 8. Violation of regulation on signs, codes, load and unloading and storage of cargo**

1. A fine of between VND 1,000,000 and 2,000,000 shall be imposed on one of the act of violation as follows:

a) Failing to mark the signs and codes of cargo or did but not in accordance with regulation;

b) Loading and unloading and storage of cargo not in accordance with regulation;

c) Placing cargo on berth exceeding the permitted loading;

2. Remedial measures

a) Coercively eliminating the violating factors on cargo for acts of violation specified at Point a, Clause 1 of this Article;

b) Coercively restoring the initial condition for acts of violation specified at Point c, Clause 1 of this Article.

**Article 9. Violation of regulation on maritime safety assurance and prevention of environmental pollution upon new construction or renewal, upgrade of seaport or construction and installation of other works and equipment affecting the maritime safety at seaport water bodies.**

1. A fine of between VND 5,000,000 and 10,000,000 shall be imposed on one of the act of violation as follows:

a) Being equipped with lifesaving equipment not in accordance with regulation;

b) Failing to inform the Port Authority of other construction of maritime works in the seaport water bodies.

c) Failing to fully install signs as prescribed or give right signal in the area where the works are under performance;

d) Obstructing maritime transport on maritime channel when the ship used in works construction anchors outside the permitted limit.

dd) Pouring construction materials without toxic substances into seaport water bodies;

e) Using trawl-net or placing means of catching, aquaculture and exploitation of natural resources in seaport water bodies and maritime channel without the consent of Port Authority or at the wrong place or time approved.

2. A fine of between VND 10,000,000 and 20,000,000 shall be imposed on one of the act of violation as follows:

a) Performing works without permit or approval of the competent authority;

b) Failing to perform works at permitted place;

c) Performing works exceeding the time specified in the performance permit;

d) Using special means and equipment for surveying, dredging channel and dropping the maritime signal and conducting other activities in the seaport water bodies without the approval of the Port Authority;

dd) Failing to clean and remove construction obstacles after the completion of works.

e) Failing to fully implement the plan for maritime safety assurance approved by the competent authority;

g) Forming obstacles in seaport water bodies and Vietnam sea areas affecting maritime activities.

3. A fine of between VND 60,000,000 and 80,000,000 shall be imposed on one of the act of violation as follows:

a) Performing works without permission of competent authority resulting in accident occurrence;

b) Failing to perform works at the right place permitted resulting in accident occurrence;

c) Causing environmental pollution upon performance of works;

d) Failing to implement or fully implement the plan for maritime safety assurance approved by the competent authority resulting in accident occurrence.

4. Remedial measures:

a) Coercively restoring the initial conditions which have been changed due to acts of violation specified at Point d, dd, e and Point g, Clause 2 of this Article;

b) Coercively dismantling works and part of constructional works without permit or not in accordance with the construction permit;

c) Coercively taking remedial measures of environmental pollution due to acts specified at Point c, Clause 3 of this Article.

**Article 10. Violation of regulation on fire and explosion prevention at seaports.**

1. A fine of between VND 1,000,000 and 2,000,000 shall be imposed on one of the act of violation as follows:

a) Having no table of rules, signs or necessary warning instructions at inflammable places;

b) Misusing special-purpose fire suppression equipment;

2. A fine of between VND 2,000,000 and 5,000,000 shall be imposed on one of the act of violation as follows:

a) The fire suppression equipment is improper or not in a state of operational readiness as prescribed;

b) Failing to place at the right place or to lay out the fire and explosion prevention equipment appropriate with the type of cargo being transported, loaded and unloaded.

3. A fine of between VND 5,000,000 and 20,000,000 shall be imposed on one of the act of violation as follows:

a) Having inadequate system of fire and explosion prevention system as prescribed;

b) Failing to make timely report to the state agencies concerned on incidents and accidents of fire and explosion;

c) Employing employees who are not equipped with labor protection equipment or trained on fire and explosion prevention as prescribed;

d) Having no plan of fire and explosion prevention system approved by the competent authority.

**Article 11. Violation of regulation on environmental pollution due to maritime operation.**

1. A fine of between VND 3,000,000 and 5,000,000 shall be imposed on the act of placing or pouring dirty water on the berth to make it and the seaport water bodies unhygienic:

2. A fine of between VND 5,000,000 and 10,000,000 shall be imposed on one of the act of violation as follows:

a) Littering garbage and other waste down to the berth or seaport water bodies;

b) Flushing water with dirty residue onto the berth or seaport water bodies;

3. A fine of between VND 30,000,000 and 50,000,000 shall be imposed on the act of flushing water with oil onto the berth or seaport water bodies;

4. A fine of between VND 40,000,000 and 60,000,000 shall be imposed on the act of failing to allocate means to receive waste, wastewater and other toxic liquid from ships as prescribed;

5. A fine of between VND 50,000,000 and 100,000,000 shall be imposed on the act of flushing water or waste with toxic chemical onto the berth or seaport water bodies;

6. Remedial measures:

Coercively taking remedial measures of environmental pollution for acts of violations specified in Clause 1, 2, 3 and 5 of this Article.

**Article 12. Violation of regulation on protection of seaport works and maritime channels**

1. A fine of between VND 10,000,000 and 20,000,000 shall be imposed on the act of failing to improve and fix damages of seaport works and maritime channels at the proposal of the competent authority

2. A fine of between VND 20,000,000 and 40,000,000 shall be imposed on the act of works construction, use and operation of space, land area and water bodies within the protection area of seaport works and maritime channels or outside the protection area of seaport works and maritime channels but affecting the safety of seaport works and maritime channels without permission from the competent state authority on protection of seaport works and maritime channels.

3. A fine of between VND 10,000,000 and 20,000,000 shall be imposed on the act of infringement to cause damage of seaport works and maritime channels.

4. Remedial measures:

Coercively restoring the initial condition which has been changed due to acts of violation specified in Clause 2 and 3 of this Article.

**SECTION 2.**

**VIOLATION OF REGULATION ON MARITIME OPERATION OF SHIPS AT SEAPORT**

**Article 13. Violation of regulation on procedures for arrival at seaport or transit**

1. For acts of violations of ships upon arrival at port or in transit without notice and confirmation of notice as prescribed; ships arriving at the location to pick up and drop pilot to enter the port or transit slower than the time confirmed; ships arriving at port without making declaration for ship security to the Port Authority as prescribed, shall be punished as follows:

a) A fine of between VND 1,000,000 and 2,000,000 shall be imposed on ships with gross tonnage of less than 500 GT;

b) A fine of between VND 2,000,000 and 5,000,000 for ships with gross tonnage from 500 GT to less than 3,000 GT;

c) A fine of between VND 5,000,000 and 10,000,000 shall be imposed on ships with gross tonnage of 3000 GT or more;

2. For ships arriving at port or transiting without performing the prescribed procedures shall be sanctioned as follows:

a) A fine of between VND 5,000,000 and 10,000,000 shall be imposed on ships with gross tonnage of less than 500 GT;

b) A fine of between VND 10,000,000 and 20,000,000 for ships with gross tonnage from 500 GT to less than 3,000 GT;

c) A fine of between VND 20,000,000 and 30,000,000 shall be imposed on ships with gross tonnage of 3000 GT or more;

**Article 14. Violation of regulation on entering and leaving seaport or transit**

1. A fine of between VND 1,000,000 and 3,000,000 shall be imposed on inadequate or incorrect declaration concerning the information in the notice and confirmation of notice of arrival and leaving of ship or the general declaration.

2. A fine of between VND 3,000,000 and 5,000,000 shall be imposed on performing procedures for ships to enter and leave seaport or transit slower than the prescribed time.

3. A fine of between VND 5,000,000 and 10,000,000 shall be imposed on one of the act of violation as follows:

a) Lacking one of papers upon performing procedures for entry and leaving of port or transit as prescribed;

b) Failing to provide or sufficiently provide papers concerning dangerous cargo transported on ships as prescribed.

4. A fine of between VND 10,000,000 and 30,000,000 shall be imposed on acts of letting seaman, passengers or those who have no duties aboard before completing entry procedures or leaving the ship after completing the exit procedures as prescribed.

5. For act of having no leaving permit of final port as prescribed or intentionally leaving port without permission of the competent authority shall be sanctioned as follows:

a) A fine of between VND 10,000,000 and 20,000,000 shall be imposed on ships with gross tonnage of less than 500 GT;

b) A fine of between VND 20,000,000 and 40,000,000 for ships with gross tonnage from 500 GT to less than 3,000 GT;

c) A fine of between VND 40,000,000 and 80,000,000 shall be imposed on ships with gross tonnage of 3,000 GT or more;

6. A fine of between VND 80,000,000 and 100,000,000 shall be imposed on acts of foreign ships engaged in local transportation or performing particular activities without the permission of competent authority as prescribed.

7. Additional sanction:

Depriving the captain’s Certificate of professional capacity from 01 to 06 months for acts of violation specified in Clause 5 of this Article.

8. Remedial measures:

Coercively supplementing papers and completing procedures as prescribed for acts of violation specified at Clause 1, 3 and 6 of this Article.

**Article 15. Violation of regulation on safety, security order and sanitation for acts related to ships.**

1. A caution shall be imposed on acts of swimming to affect public order in the port area.

2. A fine of between VND 1,000,000 and 20,000,000 shall be imposed on one of the act of violation as follows:

a) Blowing the horn or using electric speaker to give information about cases which are not emergences or urgently alarm as prescribed;

b) Foreign ships flying ceremonial flag or funeral flag without prior notice to the Port Authority;

c) Organizing swimming in the port water bodies without approval of the Port Authority;

d) Hanging flag improperly;

3. A fine of between VND 2,000,000 and 4,000,000 shall be imposed on failing to hang or hanging Vietnamese national Flag improperly.

4. A fine of between VND 4,000,000 and 6,000,000 shall be imposed on one of the act of violation as follows:

a) Placing the ship or crew’s equipment and assets on the surface of berth at improper place;

b) Repairing and testing machinery and horn without permission of the Port Authority;

c) Failing to monitor VHF channel or use it properly;

d) Conducting mouse fumigation and sterilization at improper place;

dd) Having no mouse blocking tool or using it improperly;

e) Using boats, buoy or raft of ship without permission of the Port Authority;

g) Failing to comply with regulation on shift duty as prescribed;

h) Failing to allocate or allocating ship security officer improperly;

i) Announcing or releasing security alarm not in accordance with the actual security situation of the ship;

k) Letting the ship drag or pull anchor underwater while working in channels, canals and water bodies in front of berth.

5. A fine of between VND 8,000,000 and 10,000,000 shall be imposed on one of the act of violation as follows:

a) Maneuvering ships to enter and leave seaports or moor or unmoor without the captain’s presence of in the cabin;

b) Conducting the fumbling and diving activities or other underwater work at the seaport water bodies without permission of the Port Authority or performing that work without warning signals as prescribed;

c) Organizing sports activities or activities with concentration of a lot of means in the seaport water bodies without permission of the Port Authority;

d) Using sports and tourist boats operating in seaport water bodies without permission of the Port Authority;

dd) Failing to use or using signals improperly;

e) Failing to specify the name, IMO number, registration port, draft mark as prescribed;

g) Failing to install, maintain the technical status of the itinerary monitoring equipment of high-speed ship or installing without turning on the itinerary monitoring equipment of high-speed boat as prescribed.

6. A fine of between VND 10,000,000 and 15,000,000 shall be imposed on one of the act of violation as follows:

a) Failing to notify the Port Authority of the maritime incident and accident caused by their ships or violating other regulations on report and investigation of maritime accidents;

b) Failing to fully equip with maritime equipment in the cabin as prescribed or if any but it cannot work or be used.

c) Failing to maintain contact with the Port Authority via VHF on the channel notified or other communication equipment;

d) Failing to maintain the operation of automatic identification device as prescribed;

dd) Arranging lifesaving equipment of ship improperly;

e) Failing to follow regulations as ships cruise, avoid or overtake on maritime channels;

g) Controlling ship exceeding the permitted speed in the area with prescribed speed limit.

7. A fine of between VND 15,000,000 and 25,000,000 shall be imposed on maneuvering boats to enter and leave seaports or moor and unmoor the berth causing less serious accidents without the captain’s presence in the cabin or the ships do not comply with regulations upon traveling, avoiding and overtaking each other on the maritime channel causing less serious maritime accidents.

8. A fine of between VND 25,000,000 and 35,000,000 for acts of maneuvering ships to enter and leave seaports or moor and unmoor the berth causing serious accidents without the captain’s presence in the cabin or the ships do not comply with regulations upon traveling, avoiding and overtaking each other on the maritime channel causing serious maritime accidents.

9. A fine of between VND 35,000,000 and 45,000,000 for acts of maneuvering ships to enter and leave seaports or moor and unmoor the berth causing extremely serious accidents without the captain’s presence in the cabin or the ships do not comply with regulations upon traveling, avoiding and overtaking each other on the maritime channel causing extremely serious maritime accidents.

10. For acts of ships failing to operate in permitted area as prescribed shall be sanctioned as follows:

a) A fine of between VND 10,000,000 and 20,000,000 shall be imposed on ships with gross tonnage of less than 500 GT;

b) A fine of between VND 20,000,000 and 40,000,000 for ships with gross tonnage from 500 GT to less than 3,000 GT;

c) A fine of between VND 30,000,000 and 40,000,000 shall be imposed on ships with gross tonnage of 3,000 GT or more;

11. A fine of between VND 40,000,000 and 60,000,000 shall be imposed on one of the act of violation as follows:

a) Running away after causing maritime accident;

b) Failing to provide or sufficiently and honestly provide relevant documents and exhibits upon the requirements of competent authority during the investigation of maritime accident.

12. Additional sanction:

a) Depriving the captain’s Certificate of professional capacity from 01 to 03 months for acts of violation specified in Clause 7 of this Article.

b) Depriving the captain’s Certificate of professional capacity from 03 to 06 months for acts of violation specified in Clause 8 of this Article.

c) Depriving the captain’s Certificate of professional capacity from 06 to 12 months for acts of violation specified in Clause 9 and Point a, Clause 11 of this Article.

13. Remedial measures:

a) Coercively removing obstacles due to violations specified at Point a, Clause 4 of this Article.

b) Coercively leaving out of the operational area in accordance with operational boat level for acts specified in Clause 10 of this Article.

**Article 16. Violation of regulations on fire and explosion prevention for ships.**

1. A fine of between VND 500,000 and 1,000,000 shall be imposed on smoking at in non-smoking places or for unintentional acts that may cause fire or explosion on ships.

2. A fine of between VND 2,000,000 and 5,000,000 shall be imposed on one of the act of violation as follows:

a) Having no warning signs or necessary instructions at inflammable and explosive places;

b) Having no plan of fire and explosion prevention system and fire suppression assignment table or manipulation instruction table at positions on ship as prescribed;

c) Fire suppression equipment is placed at improper positions on ship;

d) Seaman does not use the ship’s fire suppression equipment proficiently;

dd) Using the ship’s fire suppression equipment improperly;

e) Failing to comply with the process of preservation and maintenance of fire and explosion prevention equipment;

3. A fine of between VND 5,000,000 and 10,000,000 shall be imposed on one of the act of violation as follows:

a) The fire and explosion prevention equipment can not be used;

b) Having no rescue plan in case of emergency;

c) Carrying out work with sparking on deck, cargo hold, engine room without permission of the Port Authority;

d) Using specialized fire suppression means in other purposes;

dd) Fire suppression equipment is not suitable or not in a state of operational readiness as prescribed;

4. A fine of between VND 10,000,000 and 30,000,000 shall be imposed on delayed performance or noncompliance with orders of the Port Authority on participation in fire suppression at berth and seaport water bodies.

**Article 17. Violation of regulations on environmental protection caused by ships**

1. A fine of between VND 1,000,000 and 3,000,000 shall be imposed on one of the act of violation as follows:

a) Failing to write in ship log on oily water pumping or oil, waste and garbage disposal as prescribed;

b) Failing to be equipped with waste container and classification as prescribed;

c) Scraping chimney or emitting black smoke when boats are moored in the seaport water bodies;

d) Removing rust and painting ship without permission of the Port Authority.

2. A fine of between VND 3,000,000 and 5,000,000 shall be imposed on failing to arrange or arrange unqualified personnel to receive fuel on board.

3. A fine of between VND 5,000,000 and 10,000,000 shall be imposed on violation of littering and disposal of garbage or other items from the ship to the berth or seaport water bodies;.

4. A fine of between VND 10,000,000 and 20,000,000 shall be imposed on one of the act of violation as follows:

a) Pumping or discharging of ballast water or water with dirty residue from the ship to the berth or seaport water bodies;

b) Cleaning cargo hold or deck resulting in environmental pollution;

c) Conducting pumping fuel between ships and other vehicles without permission of the Port Authority;

d) Having insufficient equipment oily water and oil separators as prescribed or the separators can not be used;

dd) Letting the occurrence of leakage of oily wastewater from the ship onto the berth or seaport water bodies;

e) Failing to comply with one of the procedures and rules of technical safety when receiving fuel;

g) Letting other ships draw along side during the receipt of fuel between two ships.

5. A fine of between VND 30,000,000 and 50,000,000 shall be imposed on violation of regulation on the pumping and flushing of oily wastewater, oil or oily compound drain or waste water and oil or oil compounds from the ship onto the berth or seaport water bodies;

6. A fine of between VND 60,000,000 and 100,000,000 shall be imposed on violation of regulation on the pumping and flushing of water or waste mixed with toxic substances from the ship onto the berth or seaport water bodies;

7. A fine of between VND 80,000,000 and 90,000,000 shall be imposed on pouring mud and waste from dredging into the improperly specified places.

8. A fine of between VND 90,000,000 100,000,000 shall be imposed for acts of pouring mud and waste from dredging into the improperly specified places within the maritime channels, the water bodies in front of berth, port, mooring area, transfer area, areas where pilots go on board or leave ship and quarantine area.

9. Additional sanction:

a) Depriving the captain’s Certificate of professional capacity from 03 to 06 months for acts of violation specified in Clause 7 of this Article.

b) Depriving the captain’s Certificate of professional capacity from 06 to 12 months for acts of violation specified in Clause 8 of this Article.

10. Remedial measures:

Coercively taking remedial measures of environmental pollution as prescribed due to acts specified in Clause 3, Point a,b and dd, Clause 4, 5, 6, 7 and 8 of this Article.

**Article 18. Violation of regulation on life safety on boats**

1. A fine of between VND 1,000,000 and 5,000,000 shall be imposed on one of the acts as follows:

a) Having no duty assignment table in case of emergency at required positions or having duty assignment table but inconsistent with the crew or the regulation table has been damaged;

b) Having no table of manipulation instruction of lifesaving and boat perforation rescue equipment or the signage has been damaged;

c) Having no personal liability card upon alarming at the designated places on boats or the card is inconsistent with the crew;

d) The seaman cannot proficiently use the lifesaving and boat perforation rescue equipment.

2. A fine of between VND 5,000,000 and 10,000,000 shall be imposed on one of the acts as follows:

a) The side stairs has no safety net or lights as prescribed;

b) Using the lifesaving and boat perforation rescue equipment improperly.

3. For acts of failing to allocate minimum safe manning or exceeding the permitted level of lifesaving equipment on boat as prescribed and failing to be equipped or sufficiently equipped with fire suppression, lifesaving and perforation rescue equipment as prescribed shall be sanctioned as follows:

a) A fine of between VND 10,000,000 and 2,000,000 shall be imposed on ships with gross tonnage of less than 500 GT;

b) A fine of between VND 20,000,000 and 30,000,000 shall be imposed on ships with gross tonnage from 500 GT to less than 3,000 GT;

c) A fine of between VND 30,000,000 and 40,000,000 shall be imposed on ships with gross tonnage of 3000 GT or more;

4. For acts of transporting cargo exceeding the regulation of ship with a total capacity of less than 500 GT shall be sanctioned as follows:

a) A caution for acts of transporting cargo exceeding less than 01% compared with the permitted loading;

b) A fine of between VND 3,000,000 and 5,000,000 shall be imposed on acts of transporting cargo exceeding from 01% to less than 05% compared with the permitted loading;

c) A fine of between VND 5,000,000 and 10,000,000 shall be imposed on acts of transporting cargo exceeding from 05% to less than 10% compared with the permitted loading;

d) A fine of between VND 10,000,000 and 15,000,000 shall be imposed on acts of transporting cargo exceeding from 10% compared with the permitted loading;

5. For acts of transporting cargo exceeding the regulation of ship with a total capacity of 500 GT to less than 3.000 GT shall be sanctioned as follows:

a) A caution for acts of transporting cargo exceeding less than 01% compared with the permitted loading;

b) A fine of between VND 10,000,000 and 20,000,000 shall be imposed on acts of transporting cargo exceeding from 01% to less than 05% compared with the permitted loading;

c) A fine of between VND 20,000,000 and 30,000,000 shall be imposed on acts of transporting cargo exceeding from 05% to less than 10% compared with the permitted loading;

d) A fine of between VND 30,000,000 and 50,000,000 shall be imposed on acts of transporting cargo exceeding 10% or more compared with the permitted loading;

6. For acts of transporting cargo exceeding the regulation of ship with a total capacity of 3.000 GTor more shall be sanctioned as follows:

a) A caution for acts of transporting cargo exceeding less than 01% compared with the permitted loading;

b) A fine of between VND 30,000,000 and 40,000,000 shall be imposed on acts of transporting cargo exceeding from 01% to less than 05% compared with the permitted loading;

c) A fine of between VND 50,000,000 and 60,000,000 shall be imposed on acts of transporting cargo exceeding from 05% to less than 10% compared with the permitted loading;

d) A fine of between VND 70,000,000 and 80,000,000 shall be imposed on acts of transporting cargo exceeding 10% or more compared with the permitted loading;

7. For acts of transporting passenger exceeding the prescribed number of ship with a total capacity of less than 500 GT shall be sanctioned as follows:

a) A fine of between VND 5,000,000 and 10,000,000 shall be imposed on act of transporting passenger exceeding 5 persons compared with the permitted amount;

b) A fine of between VND 10,000,000 and 15,000,000 shall be imposed on act of transporting passenger exceeding from 06 to persons compared with the permitted amount;

c) A fine of between VND 15,000,000 and 20,000,000 shall be imposed on act of transporting passenger exceeding 10 persons compared with the permitted amount;

8. For acts of transporting passenger exceeding the prescribed number of ship with a total capacity from 500 GT to less than 3,000 GT shall be sanctioned as follows:

a) A fine of between VND 10,000,000 and 15,000,000 shall be imposed on act of transporting passenger exceeding 10 persons compared with the permitted amount;

b) A fine of between VND 15,000,000 and 20,000,000 shall be imposed on act of transporting passenger exceeding from 11 to 20 persons compared with the permitted amount;

c) A fine of between VND 20,000,000 and 30,000,000 shall be imposed on act of transporting passenger exceeding 20 persons compared with the permitted amount;

9. For acts of transporting passenger exceeding the prescribed number of ship with a total capacity from 3,000 GT or more shall be sanctioned as follows:

a) A fine of between VND 20,000,000 and 40,000,000 shall be imposed on act of transporting passenger exceeding 20 persons compared with the permitted amount;

b) A fine of between VND 40,000,000 and 60,000,000 shall be imposed on act of transporting passenger exceeding from 21 - 30 persons compared with the permitted amount;

c) A fine of between VND 60,000,000 and 80,000,000 shall be imposed on act of transporting passenger exceeding 30 persons compared with the permitted amount;

10. Additional sanction:

Depriving the captain’s Certificate of professional capacity from 01 to 03 months for acts of violation specified in Clause 5, 6; Point b and c, Clause 7, 8 and 9 of this Article.

11. Remedial measures:

Coercively removing the number of person or amount of cargo transported exceeding the regulation for acts of violation specified in Clause 4, 5, 6, 7, 8 and 9 of this Article.

**Article 19. Violation of regulation on anchorage, mooring, side landing, towing of vessels in seaport water bodies**

1. A fine of between VND 2,000,000 and 5,000,000 shall be imposed on one of the act of violation as follows:

a) Anchoring, mooring, landing along side, changing position or conducting similar activities in the seaport water bodies without permission of Port Authority;

b) Failing to place adequate lighting, sign and signal as prescribed when the ship loads and unloads cargo, anchors, moors, lands along side and changes its position.

c) Having no anti-collision buffer as prescribed;

d) Failing to promptly notify the Port Authority upon detection of discrepancy or damage of marine signals in seaport water bodies and management area of the Port Authority.

2. A fine of between VND 5,000,000 and 10,000,000 shall be imposed on one of the act of violation as follows:

a) Failing to observe or properly perform the maneuvering order of the Port Authority;

b) Mooring ships to the maritime signals or other structures not being used for mooring as prescribed.

3. A fine of between VND 10,000,000 and 20,000,000 shall be imposed on failing to use tugboats or support boats as prescribed or using tugboats or support boats improperly.

4. For acts of ships anchoring, loading and unloading cargo, embarking and disembarking passengers or performing other maritime services at places without permission of the competent authority shall be punished as follows:

a) A fine of between VND 10,000,000 and 20,000,000 for ship with a total capacity of less than 500 GT;

b) A fine of between VND 20,000,000 and 40,000,000 for ship with a total capacity from 500 GT to less than 3000 GT;

c) A fine of between VND 40,000,000 and 60,000,000 for ship with a total capacity from 3000 GT or more;

5. Additional sanction:

Depriving the captain’s Certificate of professional capacity from 01 to 03 months for acts of violation specified at Point a, Clause 2, 3 and 4 of this Article.

6. Remedial measures:

Coercively moving the ship out of the position for acts of violation specified at Point b, Clause 2 and 4 of this Article.

**SECTION 3.**

 **VIOLATION OF REGULATION ON REGISTRATION, REGISTER OF SHIP AND CREW ALLOCATION, USE OF PROFESSIONAL CERTIFICATES, SEAMAN BOOK AND SEAMAN PASSPORT**

**Article 20. Violation of regulation on registration, register of ship**

1. A fine of between VND 5,000,000 and 10,000,000 shall be imposed on one of the act of violation as follows:

a) Registering ship at improper time.

b) Being short of one of the certificates and documents of ship or one of these certificates and documents is invalid for use.

2. A fine of between VND 10,000,000 and 20,000,000 shall be imposed on one of the act of violation as follows:

a) Operating ship when the certificate of ship registration has not been issued;

b) Failing to register the change in ship owner as prescribed when the ship is purchased, sold or transferred its ownership;

c) Failing to remove the ship registration as prescribed.

3. A fine of between VND 20,000,000 and 30,000,000 shall be imposed on one of the act of violation as follows:

a) Purchasing, selling, leasing and borrowing one of the ship’s certificates;

b) Using one of the other ship’s certificates;

c) Intentionally giving false information or using corrected or fake papers in the dossier to request the issuance of ship certificate.

4. For acts of having no certificates of civil liability insurance of the ship owner for ships carrying passengers, oil, petroleum products or other hazardous cargo regulations as prescribed shall be sanctioned as follows:

a) A fine of between VND 30,000,000 and 50,000,000 for ship carrying passengers less than 100 persons, ships carrying oil, petroleum products or other hazardous cargo with a total capacity of less than 500 GT;

b) A fine of between VND 50,000,000 and 80,000,000 for ship carrying passengers from 100 to less than persons, ships carrying oil, petroleum products or other hazardous cargo with a total capacity from 500 GT to less than 500 GT;

c) A fine of between VND 80,000,000 and 100,000,000 for ship carrying passengers from 300 persons or more, ships carrying oil, petroleum products or other hazardous cargo with a total capacity from 3000 GT or more;

5. Additional sanction:

Confiscating exhibit of administrative violation for acts of violation specified in Clause 3 of this Article.

6. Remedial measures:

Coercively performing the ship deregistration as prescribed for acts of violation specified at Point c, Clause 2 of this Article.

**Article 21. Violation of regulation on crew allocation, issuance and use of certificate of practice, seaman book and seaman Passport**

1. A fine of between VND 5,000,000 and 10,000,000 shall be imposed on one of the act of violation as follows:

a) Allocating crew to work on the ship without adequate certificate of practice and the number of seaman or with certificate of practice but expired or allocating crew title inconsistent with their certificates of practice;

b) Assigning tasks to the crew working on the boats inconsistent with their titles in the seaman book without permission of the competent authority.

2. A fine of between VND 10,000,000 and 20,000,000 shall be imposed on each act of purchasing, selling, leasing, borrowing, lending of certificate of practice, seaman book and seaman Passports.

3. A fine of between VND 20,000,000 and 30,000,000 shall be imposed on one of the act of violation as follows:

a) Using Certificate of practice, seaman book and seaman Passport that have been modified and erased to distort their contents.

b) Using the other person’s Certificate of practice, seaman book and seaman Passport to work on board;

c) Intentionally giving false information or using corrected or fake papers in the dossier to request the issuance of certificate of practice, seaman book and seaman Passport.

4. Additional sanction:

a) Confiscating the certificate of practice, seaman book and seaman Passport as prescribed at Point a, Clause 3 of this Article;

b) Depriving the Certificate of practice from 01 to 03 months for acts of violation specified in Clause 2 of this Article.

**SECTION 4.**

**VIOLATION OF REGULATIONS ON MARITIME PILOTAGE**

**Article 22. Violation of regulation on using ship maritime pilotage**

1. A fine of between VND 500,000 and 1,000,000 shall be imposed on the act of failing to hang flag on the ship or use beacon improperly upon requirement for pilot or when the pilot is on board.

2. A fine of between VND 4,000,000 and 6,000,000 shall be imposed on one of the act of violation as follows:

a) Failing to notify or accurately notify the maritime pilot of the maneuvering characteristics and features of ship;

b) Having no pilot ladder or it is laid at an inappropriate place or having no other safety assurance measures for the pilot to go up and leave the ship;

c) Suspending or requiring the substitution of pilot without plausible reason.

3. For the acts of controlling ship to enter and leave and move without the use of maritime pilots as prescribed shall be punished as follows:

a) A fine of between VND 10,000,000 and 20,000,000 shall be imposed on ships with gross tonnage of less than 1,000 GT;

b) A fine of between VND 20,000,000 and 30,000,000 shall be imposed on ships with gross tonnage from 1,000 GT to less than 1,000 GT;

c) A fine of between VND 30,000,000 and 40,000,000 shall be imposed on ships with gross tonnage from 3,000 GT or more;

**Article 23. Violation of regulation on maneuvering and allocation of maritime pilot**

1. A fine of between VND 2,000,000 and 5,000,000 shall be imposed on one of the act of violation as follows:

a) Sending the daily ship pilotage plan slower than the prescribed time or failing to notify the Port Authority of the sudden change of ship pilotage plan

b) Allocating pilot not in line with the Plan without giving prior notice to the Port Authority.

2. A fine of between VND 6,000,000 and 10,000,000 shall be imposed on one of the act of violation as follows:

a) Allocating the maritime pilot not in line with the certificate of maritime pilot’s professional capacity or certificate of maritime pilot’s operational area;

b) Failing to provide full and timely pilotage services in the compulsory maritime pilotage area or ship pilotage line assigned without plausible reason;

3. A fine of between VND 20,000,000 and 40,000,000 shall be imposed on failing to arrange adequate vehicles to pick up pilot as prescribed or use vehicles which do not guarantee safe conditions.

4. A fine of between VND 30,000,000 and 50,000,000 shall be imposed on failing to meet the minimum number of pilot as prescribed.

5. Additional sanction:

Suspending a part of ship pilotage activities of the pilotage organization for a period of 03 to 12 months for acts of violation specified in Clause 4 of this Article.

**Article 24. Violation of regulation while piloting of maritime pilot**

1. A fine of between VND 2,000,000 and 5,000,000 shall be imposed on one of the pilot’s act of violation as follows:

a) Failing to promptly notify the Port Authority upon detection of accidents, incidents or changes in the maritime channel and maritime signal during ship pilotage;

b) Failing to give notification and confirmation of notice to the Port Authority of the time and location to go on board or condition of ship pilotage as prescribed;

c) Going on board slower than the prescribed time or going on and off board not in line with specified location;

d) Guiding ships to enter and leave port and move not in line with the Port Authority’s ship maneuvering plan or not in line with the ship assigned for pilotage without plausible reason;

dd) Intentionally leaving ship without the captain’s consent;

e) Failing to use pilot costume as prescribed upon pilotage.

2. A fine of between VND 5,000,000 and 10,000,000 shall be imposed on one of the act of violation as follows:

a) The maritime pilot instructors ship to anchor, moor or move in the port water bodies without the maneuvering order or wrong location specified by the Port Authority;

b) Refusing to pilot ship without plausible reasons or failing to give timely notice to the Port Authority or the maritime pilot organization of the pilotage refusal;

c) The pilot has made mistake resulting in less serious maritime accident.

3. A fine of between VND 10,000,000 and 20,000,000 shall be imposed on pilot’s mistake resulting in serious maritime accidents.

4. A fine of between VND 20,000,000 and 30,000,000 shall be imposed on pilot’s mistake resulting in extremely serious maritime accidents.

5. Additional sanctions:

a) Depriving the maritime pilot’s Certificate of professional capacity from 03 to 06 months for acts of violation specified in Clause 3 of this Article.

b) Depriving the maritime pilot’s Certificate of professional capacity of maritime pilotage from 06 to 12 months for acts of violation specified in Clause 4 of this Article.

**SECTION 5.**

**VIOLATION OF REGULATION ON MARINE TRANSPORT BUSINESS AND MARITIME SERVICES**

**Article 25. Violation of regulation on use of permit and marine transport business and multimodal transport and maritime services.**

1. A fine of between VND 5,000,000 and 10,000,000 shall be imposed on one of the act of violation as follows:

a) Doing business in multimodal transport without or with improper permit issued by the competent authority as prescribed.

b) Doing business in marine transport services which are not eligible as prescribed.

2. A fine of between VND 10,000,000 and 20,000,000 shall be imposed on one of the act of violation as follows:

a) Modifying or erasing to distort the contents on the permit;

b) Purchasing, selling, leasing and borrowing the permit

3. Additional sanction:

Confiscating the permit used to perform administrative violations specified at Point a, Clause 2 of this Article.

**Article 26. Violation of regulation on liability of ship owner, manager and operator for ships and crew.**

1. A fine of between VND 30,000,000 and 60,000,000 shall be imposed on act of failing to arrange annual leave for the crew working on ships as prescribed.

2. A fine of between VND 60,000,000 and 80,000,000 shall be imposed on one of the act of violation as follows:

a) Failing to provide basic necessities, food, foodstuff for the crew working on board as prescribed;

b) Failing to provide funding to repatriate seaman as prescribed.

3. A fine of between VND 80,000,000 and 100,000,000 for act of failing to provide adequate raw materials, fuel and materials to maintain the operation while the ship is under operation.

4. Additional sanction:

Suspending the business operation for 06 months specified at Points a, b, Clause 2 and 3 of this Article.

5. Remedial measures:

Coercively providing necessities, food and foodstuff, raw materials, fuel, materials, funding to repatriate seaman and arrange annual leave as prescribed for acts of violation specified in Clause 1, 2 and 3 of this Article.

**SECTION 6.**

**VIOLATION OF REGULATION ON MARITIME SEARCH AND RESCUE, SALVAGE OF SUNKEN PROPERTY AND MARITIME SIGNALS;**

**Article 27. Violation of regulation on maritime search and rescue**

1. A fine of between VND 3,000,000 and 5,000,000 shall be imposed on giving false emergency signals.

2. A fine of between VND 3,000,000 and 5,000,000 shall be imposed on one of the act of violation as follows:

a) Failing to perform duties as prescribed on maritime search and rescue;

b) Tardily complying with the maneuvering order of command authority to search and rescue as prescribed.

3. For the act of failing to perform the maneuvering order of the competent authority for search and rescue shall be sanctioned as follows:

a) A fine of between VND 10,000,000 and 20,000,000 for ships with a total capacity of less than 500 GT;

b) A fine of between VND 20,000,000 and 40,000,000 for ships with a total capacity from 500 GTto less than 3,000 GT;

c) A fine of between VND 40,000,000 and 80,000,000 for ships with a total capacity from 3,000 GT or more;

4. Additional sanctions:

Depriving the captain’s Certificate of professional capacity from 03 to 06 months for acts of violation specified at Point a, Clause 2 of this Article.

**Article 28. Violation of regulation on salvage of sunken property at seaport**

1. A fine of between VND 500,000 and 1,000,000 shall be imposed on failing to notice, report or notice, the report is not correct according to the sunken property at seaports.

2. A fine of between VND 10,000,000 and 20,000,000 shall be imposed on one of the act of violation as follows:

a) Failing to install or install in a timely manner the signal in line with position of sunken property.

b) Performing the salvage or ending the salvage of sunken property exceeding the prescribed time;

c) Salvaging sunken property without permission of the competent authority;

d) Failing to hand over or fully hand over the sunken property salvaged randomly as prescribed;

dd) Failing to make payment of costs related to the salvage of sunken property as prescribed.

3. A fine of between VND 20,000,000 and 50,000,000 shall be imposed on failing to salvage harmless sunken property as prescribed.

4. A fine of between VND 70,000,000 and 100,000,000 for failing to salvage dangerous sunken property.

5. Additional sanction:

Confiscating exhibit and means to perform acts of administrative violation specified at Point c, Clause 2 of this Article.

6. Remedial measures:

Coercively reimbursing the cost of salvage of sunken property as prescribed for acts of violation specified at Point dd, Clause 2 and 4 of this Article.

**Article 29. Violation of regulation on maritime signal**

1. A fine of between VND 2,000,000 and 5,000,000 for acts of obscuring, interfering with or impairing the effect of maritime signals.

2. A fine of between VND 10,000,000 and 20,000,000 shall be imposed on one of the act of violation as follows:

a) Failing to place the maritime signal at proper position.

b) Failing to place the maritime signal or place it in a timely manner upon appearance of dangerous obstacles;

c) Failing to fix or restore the maritime signal damaged or drift;

d) Relocating or damaging the maritime signal;

dd) Invalidating or changing the characteristics of maritime signal;

e) Setting up maritime signal improperly;

g) Putting the maritime signal into operation without announced maritime notice as prescribed.

3. A fine of between VND 20,000,000 and 40,000,000 shall be imposed on one of the act of violation as follows:

a) Arbitrarily relocating the maritime signal different from the original position without permission or approval of the competent authority;

b) Fixing and replacing the maritime signal not in conformity with the approved design.

4. Remedial measures:

Coercively restoring the initial conditions which have been changed due to acts of violation specified in Clause 1, Point d, dd, Clause 2, Point a, Clause 3 of this Article;

**SECTION 7. VIOLATION OF REGULATION ON TRAINING AND COACHING SEAMAN**

**Article 30. Violation of regulation on training and coaching seaman**

1. A fine of between VND 5,000,000 and 15,000,000 shall be imposed on shortage of one of equipment for coaching and training as prescribed or the equipment does not guarantee technical regulation.

2. A fine of between VND 10,000,000 and 20,000,000 shall be imposed on one of the act of violation as follows:

a) Lacking 01 instructor or the instructor does not have certificate of practice as prescribed;

b) The number of learner in a class exceeds the regulation up to 10%.

3. A fine of between VND 20,000,000 and 40,000,000 shall be imposed on one of the act of violation as follows:

a) Lacking 01 instructor or the instructor does not have certificate of practice as prescribed;

b) The number of learner in a class exceeds the regulation up to 10%.

4. Remedial measures:

a) Coercively supplementing the missing equipment or coercively repairing the equipment for acts of violation specified in Clause 1 of this Article.

b) Coercively supplementing the missing instructor or trainer or updating and supplementing certificate of practice for acts of violation specified at Point a, Clause 2 and Point a, Clause 3 of this Article;

c) Coercively rearranging the number of learner exceeding the regulation for acts of violation specified at Point b, Clause 2 and Point b, Clause 3 of this Article.

**SECTION 8. VIOLATION OF REGULATION ON OIL SPILL RESPONSE ACTIVITIES, MANAGEMENT OF RECEIPT AND TREATMENT OF OILY LIQUID FROM SHIPS AT SEAPORTS**

**Article 31. Violation of regulation on oil spill response activities**

1. A fine of between VND 10,000,000 and 20,000,000 shall be imposed on acts of having no oil spill response plan; rescue plan for oil pollution, chemical pollution; operation plan for transfer of oil between ships at sea or plan for oil and hazardous chemical spill response as prescribed.

2. A fine of between VND 20,000,000 and 40,000,000 shall be imposed on failing to prepare resources in respond to oil spill as prescribed.

**Article 32. Violation of regulation on management of receipt and treatment of oily liquid from ships at seaports**

1. A fine of between VND 3,000,000 and 5,000,000 shall be imposed on act of failing to report the result of delivery, receipt and treatment of oily liquid waste to the competent authority as prescribed.

2. A fine of between VND 5,000,000 and 8,000,000 shall be imposed on the ship’s entering in seaport without notification to the area Port Authority of the volume of oily wastewater on the ship when docked.

3. A fine of between VND 8,000,000 and 10,000,000 for acts of receiving and treating oily liquid waste oil from ships without plan for delivery and receipt of liquid waste approved by the area Port Authority.

4. A fine of between VND 20,000,000 and 30,000,000 shall be imposed on acts of having no receiving facilities or oily liquid waste treatment station at the seaport or having no list of organizations and individuals providing the receipt and treatment services of oily liquid waste provided by the area Port Authority as prescribed.

 5. A fine of between VND 30,000,000 and 40,000,000 shall be imposed on transfer of oily liquid waste from ships to the receiving facilities without the consent of the area Port Authority.

6. A fine of between VND 40,000,000 and 50,000,000 shall be imposed on the acts of performing the receipt and treatment of oily liquid waste from the ships without being licensed for practice as prescribed;

**Chapter 3.**

**ACTS OF ADMINISTRATIVE VIOLATION, FORM OF SANCTION AND REMEDIAL MEASURES OF CONSEQUENCE IN THE FIELD OF INLAND WATERWAY TRANSPORT**

**SECTION 1.**

**VIOLATION OF REGULATION ON CONSTRUCTION, PROTECTION AND OPERATION OF INLAND WATERWAY TRANSPORT INFRASTRUCTURE**

**Article 33. Violation of regulation on protection of works of inland waterway transport infrastructure**

1. A fine of between VND 50,000,000 and 100,000,000 shall be imposed on one of the act of violation as follows:

a) Dumping trash or straw down the inland waterway, seaport water bodies and inland wharves;

b) Tying animal to the signal of inland waterway, water-level marker, measurement mark or limit mark of channel protection corridor.

2. A fine of between VND 100,000,000 and 200,000,000 shall be imposed on one of the act of violation as follows:

a) Planting trees, placing objects, pitching a tent or erecting shop or other acts that limit the effect of signal of inland waterway or limit the vision of vehicle controller;

b) Tying vehicles to the signal of inland waterway, water-level marker, measurement mark or limit mark of channel protection corridor.

3. A fine of between VND 200,000 and 500,000 shall be imposed on acts of letting objects, bamboo and log float freely within the channel.

4. A fine of between VND 500,000 and 1,000,000 shall be imposed on acts of letting mud, soil, sand, gravel or other waste fall or drift down the inland waterway.

5. A fine of between VND 1,000,000 and 3,000,000 for one of the acts of relocating the signal of inland waterway, water-level marker, measurement mark or limit mark of channel protection corridor without permission of the competent authority or invalidating the signal of inland waterway, water-level marker, measurement mark or limit mark of channel protection corridor;

6. A fine of between VND 3,000,000,000 and 5,000,000,000 shall be imposed on one of the act of violation as follows:

a) Dismantling structures or taking soil and stone of works of inland waterway transport infrastructure;

b) Pouring mud, soil, stone, sand, gravel or other wastes into channels or within the channel protection corridor or seaport water bodies, inland wharves improperly.

7. A fine of between VND 5,000,000,000 and 10,000,000,000 shall be imposed on one of the act of violation as follows:

a) Eroding traffic embankments and dams;

b) Letting the vehicles crash and collide with works of inland waterway transport infrastructure or other works on inland waterway affecting the safety of works or obstructing traffic;

c) Building houses, floating houses and works within the channel protection corridor or other works of inland waterway transport infrastructure improperly or inconsistent with the permit issued by the competent authority

8. A fine of between VND 15,000,000,000 and 20,000,000,000 shall be imposed on one of the act of violation as follows:

a) Building houses, floating houses and works within the channel protection corridor or other works of inland waterway transport infrastructure improperly without permission of the competent authority;

b) Building works within the channel improperly or inconsistent with the permit and written agreement of the competent authority;

9. A fine of between VND 25,000,000 and 30,000,000 shall be imposed on the acts of building works within the channel without permission of the competent authority.

10. The sanction shall be imposed on acts of violation of regulation on extraction of sand, gravel or other minerals as follows:

a) A fine of VND 10,000,000 and 15,000,000 shall be imposed on acts of extraction of sand, gravel or other minerals within channel protection corridor improperly or inconsistent with the permit or written approval of the competent authority;

b) A fine of VND 15,000,000 and 20,000,000 shall be imposed on acts of extraction of sand, gravel or other minerals within channel protection corridor without the permit or written approval of the competent authority;

c) A fine of VND 25,000,000 and 30,000,000 shall be imposed on acts of extraction of sand, gravel or other minerals within the channel and other works protection of inland transport infrastructure improperly or inconsistent with the permit or written approval of the competent authority;

d) A fine of VND 25,000,000 and 30,000,000 shall be imposed on acts of extraction of sand, gravel or other minerals within the channel and other works protection of inland transport infrastructure without the permit or written approval of the competent authority;

11. A fine of between VND 45,000,000,000 and 50,000,000,000 shall be imposed on one of the act of violation as follows:

a) Intentionally creating obstacles to obstruct or disrupt the traffic safety on the channel;

b) Using explosives to affect the safety of the works of inland transport infrastructure or other works on the inland waterway.

12. Additional sanctions:

a) Depriving the right to use the permit for extraction of sand, gravel or other minerals from 03 to 06 months for acts of violation specified in Clause 10 of this Article.

b) Confiscating vehicles and equipment used for direct extraction of sand and gravel or other minerals for acts of violation specified at Point c and d, Clause 10 of this Article.

13. Remedial measures:

a) Coercively removing trees, vehicles, animals, objects, bamboo and log for acts of violation specified at Point b, Clause 1, 2 and 3; coercively dismantling tents, shops, houses, floating houses and works for acts of violation specified at Point a, Clause 8 and 9 and coercively dismantling part of violation of houses, floating houses and works for acts of violation specified at Point c, Clause 7 and Point b, Clause 8; coercively removing obstacles for acts of violation specified at Point a, Clause 11 of this Article.

b) Coercively restoring the initial condition which has been changed for acts of violation specified at Point a, Clause 1, 3, 4, 5 and 6, Point a and b, Clause 7 and Point b, Clause 11 of this Article.

**Article 34. Violation of regulation on traffic safety assurance upon performance of works, extraction of mineral, survey, exploration organization of rehearsal, practice, sports competition, festivals and entertainment on inland waterway**

1. A fine of between VND 300,000 and 500,000 shall be imposed on acts of controlling constructional vehicles and equipment on inland waterway without professional certificate or certificate of vehicle and equipment control as prescribed.

2. A fine of between VND 3,000,000 and 5,000,000 shall be imposed on one of the following acts of violation upon works performance, extraction of sand and gravel or other minerals, survey, exploration organization of rehearsal, practice, sports competition, festivals and entertainment on inland waterway.

a) Failing to notify the competent authority of the inland waterway transport upon organization of rehearsal, practice, sports competition, festivals and entertainment on inland waterway;

b) Failing to comply with the plan for traffic safety assurance approved by the competent authority upon works performance, extraction of sand and gravel or other minerals, exploration organization of rehearsal, practice, sports competition, festivals and entertainment on inland waterway.

c) Letting the constructional vehicles and equipment obstruct traffic;

d) Failing to hand over or hand over in a timely manner and adequate works documents related to the inland waterway transport to the unit managing the inland waterway upon the completion of works

3. A fine of between VND 5,000,000 and 10,000,000 shall be imposed on works performance, extraction of sand and gravel or other minerals, exploration organization of rehearsal, practice, sports competition, festivals and entertainment on inland waterway without plan for traffic safety assurance or failure of implementation of plan for traffic safety assurance approved by the competent authority.

4. A fine of between VND 10,000,000 and 15,000,000 shall be imposed on dredging inland waterway and dumping mud, soil, stones, sand, gravel at improper place of the competent authority outside the channel.

5. A fine of between VND 15,000,000 and 20,000,000 shall be imposed on dredging inland waterway and dumping mud, soil, stones, sand, gravel at improper place of the competent authority within the channel.

6. Remedial measures:

Coercively restoring the initial condition for act of violation specified in Clause 4 and 5 of this Article.

**Article 35. Violation of regulation on management of inland waterway**

1. A fine of between VND 1,000,000,000 and 2,000,000,000 shall be imposed on one of the act of violation as follows:

a) Failing to notify or notify in a timely manner as prescribed upon the change of channel;

b) Failing to set up record to track the obstacles on the inland waterway affecting traffic safety.

2. A fine of between VND 2,000,000 and 5,000,000 shall be imposed on one of the act of violation as follows:

a) Having no timely measures to ensure traffic safety upon detection of obstacles on the channel;

b) Having no remedial measures when the works of inland waterway transport are damaged;

3. Remedial measures:

Coercively repairing the damaged works for acts of violation specified at Point a and b, Clause 2 of this Article.

**Article 36. Violation of regulation on order and safety assurance of inland waterway transport upon aquacultureand fishery**

1. A fine of between VND 100,000 and 300,000 shall be imposed on mobile fishery obstructing traffic.

2. A fine of between VND 300,000 and 500,000 shall be imposed on acts of placing equipment and means of fishery and aquaculture within the channel protection corridor obscuring the vision of vehicle’s controller or placing equipment and means of fishery and aquaculture improperly under the guidance of the management unit of inland waterway transport.

3. A fine of between VND 500,000,000 and 1,000,000,000 shall be imposed on one of the act of violation as follows:

a) Failing to remove equipment and means of fishery and aquaculture after the termination of fishery and aquaculture within the channel protection corridor;

b) Failing to remove and narrow equipment and means of fishery and aquaculture under the notice of management unit of inland waterway transport.

4. A fine of between VND 1,000,000 and 3,000,000 shall be imposed on acts of placing equipment and means of fishery and aquaculture on the channel.

**Article 37. Violation of regulation on signal of inland waterway**

1. A fine of between VND 500,000 and 1,000,000 shall be imposed on failing to install or install sufficiently or against the rule or failing to maintain the signal as prescribed for cargo and passenger terminal

2. A fine of between VND 1,000,000 and 2,000,000 shall be imposed on failing to install or install sufficiently or against the rule or failing to maintain the signal of ferry landing, signal of cross-river passenger terminal, signal of obstacle as trawl net as prescribed.

3. A fine of between VND 3,000,000 and 4,000,000 shall be imposed on failing to install or install sufficiently or against the rule or failing to maintain the signal of inland port, position of obstacle, constructional works on inland waterway, channel-crossing overhead works, pontoon bridge and river-crossing underground works as prescribed.

4. A fine of between VND 5,000,000 and 7,000,000 shall be imposed on failing to maintain the signal on inland waterway under the plan approved by the competent authority

**Article 38. Violation of regulation on removal of obstacles**

1. A fine of between VND 1,000,000 and 2,000,000 shall be imposed on acts of violation of time limit for salvage of sunken vehicles or removal of other obstacle as prescribed by the management unit of inland waterway.

2. A fine of between VND 2,000,000 and 5,000,000 shall be imposed on acts of violation of incomplete salvage of sunken vehicles or incomplete removal of other obstacles.

3. A fine of between VND 5,000,000 and 10,000,000 shall be imposed on acts of violation of failing to salvage sunken vehicles or remove of other obstacles.

**Article 39. Violation of regulation on environmental protection**

1. A fine of between VND 7,000,000 and 10,000,000 shall be imposed on the owner of port, inland wharf, seaman and vehicle controller having acts of pouring and disposing of waste in the inland waterway, port water bodies, inland wharf or pouring and disposing improperly causing environmental pollution.

2. A fine of between VND 7,000,000 and 10,000,000 shall be imposed on the owners of facilities, individuals performing work of new building, renewal, repair and restoration of vehicles for disposing of waste improperly resulting in environmental pollution.

3. Remedial measures:

Coercively taking remedial measures of environmental pollution for act of violation specified in Clause 1 and 2 of this Article.

**SECTION 2. VIOLATION OF REGULATION ON REGISTRATION AND REGISTER OF VEHICLES**

**Article 40. Violation of regulation on operation condition of vehicles, registration and register of vehicles**

1. A caution or fine of between VND 500,000 and 100,000,000 shall be imposed on one of the act of violation as follows:

a) Drawing and attaching registration number improperly;

b) The registration number drawn and attached on vehicles is blurred or obscured;

c) The plate showing the number of person permitted for carrying is blurred or obscured;

d) Putting non-motorized vehicles with gross tonnage under 01 ton or with loading under 05 persons or raft into operation without ensuring the safe conditions as prescribed.

2. A fine of between VND 100,000 and VND 200,000 shall be imposed on the controller of non-motorized vehicles with gross tonnage from 01 ton to 05 tons or with loading from 05 to 12 persons, motored vehicles with capacity of main engine under 05HP or loading under 05 persons for one of the acts of violation as follows:

a) Failing to bring certificate of vehicle registration;

b) Failing to re-register the vehicles as prescribed or failing to make declaration to erase the name of vehicles or return the certificate of vehicle registration as prescribed;

c) Failing to draw and attach registration number of the vehicles as prescribed;

d) Failing to draw or draw properly or opening and obscuring the draft mark of the vehicles.

3. A fine of between VND 200,000 and 300,000 shall be imposed on the controller of non-motored vehicles with gross tonnage from 05 to 15 tons; motored vehicles with total capacity of main engine from 05HP to 15HP or loading from 05 to 12 persons for one of the acts of violation as follows:

a) Failing to bring certificate of vehicle registration;

b) Failing to re-register the vehicles as prescribed or failing to make declaration to erase the name of vehicles or return the certificate of vehicle registration as prescribed;

c) Failing to draw and attach registration number of the vehicles as prescribed;

d) Failing to draw or draw properly or opening and obscuring the draft mark of the vehicles.

dd) Failing to bring certificate of technical safety and environmental protection of vehicles.

e) Using the expired certificate of technical safety and environmental protection of vehicles

4. Sanctioning administrative violation against one of the acts of violation specified in Clause 3 of this Article or having no seaman book as prescribed; failing to draw or properly draw the plate showing the number of person permitted for carrying as prescribed as follows:

a) A fine of between VND 300,000 and VND 500,000 shall be imposed on non-motorized vehicles with gross tonnage from over 15  to 100 tons or loading from over 12 to 50 persons, motored vehicles with total capacity of main engine from over 15HP and 100HP or loading from over 05 to 12 persons;

b) A fine of between VND 500,000 and VND 700,000 shall be imposed on non-motorized vehicles with gross tonnage from over 100 to 500 tons or loading from over 50 to 100 persons, motored vehicles with total capacity of main engine from over 100HP and 400HP or loading from over 50 to 100 persons;

c) A fine of between VND 700,000 and VND 100,000 shall be imposed on non-motorized vehicles with gross tonnage from over 500 tons or loading from over 100 persons, motored vehicles with total capacity of main engine from over 400HP or loading from over 100 persons;

5. Sanctioning administrative violation against acts of using the vehicles without certificate of registration or certificate of technical safety and environmental protection of vehicles.

a) A fine of between VND 300,000 and VND 500,000 shall be imposed on non-motorized vehicles with gross tonnage from 01 to less than 05 tons or loading from 05 to 12 persons, motored vehicles with total capacity of main engine of less than 5HP or loading of less than 05 persons;

b) A fine of between VND 500,000 and VND 700,000 shall be imposed on non-motorized vehicles with gross tonnage from 05 to less than 15 tons or loading from over 12 to 50 persons, motored vehicles with total capacity of main engine of from 05 to 15HP or loading from 05 to 12 persons;

c) A fine of between VND 700,000 and VND 1,000,000 shall be imposed on non-motorized vehicles with gross tonnage from over 15 to 100 tons or loading from over 50 to 100 persons, motored vehicles with total capacity of main engine from over 15 to 100HP or loading from over 12 to 50 persons;

d) A fine of between VND 1,000,000 and VND 2,000,000 shall be imposed on non-motorized vehicles with gross tonnage from over 100 to 500 tons or loading from over 100 persons, motored vehicles with total capacity of main engine from over 100 to 400HP or loading from over 50 to 100 persons;

dd) A fine of between VND 2,000,000 and VND 3,000,000 shall be imposed on non-motorized vehicles with gross tonnage from over 500 tons; motored vehicles with total capacity of main engine from over 400 HP or loading from over 100 persons;

6. Sanctioning administrative violation against one of the acts of making untrue declaration for registration and register vehicles; borrowing, renting, lending and leasing equipment and instrument for registration as follows:

a) A fine of between VND 500,000 and VND 1,000,000 shall be imposed on non-motorized vehicles with gross tonnage from 01 to less than 05 tons or loading from 05 to 12 persons, motored vehicles with total capacity of main engine of less than 100HP or loading of less than 05 persons;

b) A fine of between VND 1,000,000 and VND 2,000,000 shall be imposed on non-motorized vehicles with gross tonnage from 05 to 15 tons or loading from over 12 to 50 persons, motored vehicles with total capacity of main engine from 05 to 15HP or loading from over 05 to 12 persons;

c) A fine of between VND 2,000,000 and VND 4,000,000 shall be imposed on non-motorized vehicles with gross tonnage from over 15 to 100 tons or loading from over 50 to 100 persons, motored vehicles with total capacity of main engine from over 15 to 100HP or loading from over 12 to 50 persons;

d) A fine of between VND 4,000,000 and VND 6,000,000 shall be imposed on non-motorized vehicles with gross tonnage from over 100 to 500 tons or loading from over 100 persons, motored vehicles with total capacity of main engine from over 100 to 400HP or loading from over 50 to 100 persons;

dd) A fine of between VND 6,000,000 and VND 8,000,000 shall be imposed on non-motorized vehicles with gross tonnage from over 500 tons; motored vehicles with total capacity of main engine from over 400 HP or loading from over 100 persons;

7. Sanction shall be imposed on acts of using fake certificate of vehicle registration, fake certificate of technical safety and environmental protection, drawing and attaching fake registration number as follows:

a) A fine of between VND1,000,000 and VND 2,000,000 shall be imposed on non-motorized vehicles with gross tonnage from 01 to 05 tons or loading from 05 to 12 persons, motored vehicles with total capacity of main engine of less than 05 HP or loading of less than 5 persons;

b) A fine of between VND2,000,000 and VND 4,000,000 shall be imposed on non-motorized vehicles with gross tonnage from 05 to 15 tons or loading from over 12 to 30 persons, motored vehicles with total capacity of main engine from 05 to 15 HP or loading from 5 to 12 persons;

c) A fine of between VND 4,000,000 and VND 6,000,000 shall be imposed on non-motorized vehicles with gross tonnage from over 15 to 100 tons or loading from over 30 to 100 persons, motored vehicles with total capacity of main engine from over 15 to 100 HP or loading from 12 to 50 persons;

d) A fine of between VND 6,000,000 and VND 8,000,000 shall be imposed on non-motorized vehicles with gross tonnage from over 100 to 500 tons or loading of over 100 persons, motored vehicles with total capacity of main engine from over 100 to 400 HP or loading from over 50 to 150 persons;

dd) A fine of between VND 8,000,000 and VND 10,000,000 shall be imposed on non-motorized vehicles with gross tonnage from over 500 tons; motored vehicles with total capacity of main engine from over 400 HP or loading from over 150 persons;

8. Sanctioning administrative violation against dredging and pumping and vehicles on which the floating crane is placed with one of acts of violation specified in Clause 2 and 5 of this Article as follows:

a) A fine of between VND 500,000 and 1,000,000 shall be imposed on the owner or controller of dredging or pumping vehicles which may extract up to 15 m3/h, the vehicles on which the floating crane is placed with lifting capacity up to 15 tons;

b) A fine of between VND 1,000,000 and 2,000,000 shall be imposed on the dredging or pumping vehicles which may extract over 15 to 100 m3/h, the vehicles on which the floating crane is placed with lifting capacity from over 15 to 150 tons;

c) A fine of between VND 2,000,000 and 3,000,000 shall be imposed on the dredging or pumping vehicles which may extract of over 100 m3/h, the vehicles on which the floating crane is placed with lifting capacity from over 150 tons;

9. Remedial measures:

Coercively destroying fake certificate of vehicle registration, fake certificate of technical safety and environmental protection, fake plate of number registration, erasing fake registration number on the vehicles for acts of violation specified in Clause 7 of this Article.

**Article 41. Violation of regulation on equipment and instrument of vehicles**

1. A caution or fine of between VND 50,000 and VND 100,000 shall be imposed on the acts of putting non-motorized vehicles with gross tonnage of less than 05 tons or loading of up to 12 persons, motored vehicles with total capacity of main engine of less than 05HP or loading of less than 5 persons into operation without being equipped or sufficiently equipped with safety instrument as prescribed;

2. Sanctioning administrative violation against one of the acts of failing to be equipped with sufficient amount, proper type and quality or arrangement of one of equipment or instrument of lifesaving, salvage, fire prevention and fighting, anchorage and linking of vehicles as follows

a) A fine of between VND 100,000 and VND 200,000 shall be imposed on non-motorized vehicles with gross tonnage from 05 to 15 tons or loading from over 12 to 50 persons, motored vehicles with total capacity of main engine from 05 to 15HP or loading from 05 to 12 persons;

b) A fine of between VND 200,000 and VND 300,000 shall be imposed on non-motorized vehicles with gross tonnage from over 15 to 100 tons or loading from over 50 to 100 persons, motored vehicles with total capacity of main engine from 15 to 100HP or loading from over 12 to 50 persons; towing boat team with gross tonnage up to 400 tons;

c) A fine of between VND 300,000 and VND 500,000 shall be imposed on non-motorized vehicles with gross tonnage from over 100 to 500 tons or loading of over 100 persons, motored vehicles with total capacity of main engine from over 100 to 400HP or loading from over 50 to 100 persons; towing boat team with gross tonnage from over 400 to 1,000 tons;

d) A fine of between VND 500,000 and VND 1,000,000 shall be imposed on non-motorized vehicles with gross tonnage of over 500 tons, motored vehicles with total capacity of main engine of over 400HP or loading of over 100 persons; towing boat team with gross tonnage of over 1,000 tons;

3. Sanctioning the acts of failing to be equipped with one of equipment or instrument of lifesaving, salvage, fire prevention and fighting, anchorage and linking of vehicles as follows

a) A fine of between VND 200,000 and VND 300,000 shall be imposed on non-motorized vehicles with gross tonnage from 05 to 15 tons or loading from over 12 to 50 persons, motored vehicles with total capacity of main engine from 05 to 15HP or loading of over 12 persons;

b) A fine of between VND 300,000 and VND 500,000 shall be imposed on non-motorized vehicles with gross tonnage from over 15 to 100 tons or loading from over 50 to 100 persons, motored vehicles with total capacity of main engine from over 15 to 100HP or loading from over 12 to 50 persons; towing boat team with gross tonnage of over 400 tons;

c) A fine of between VND 500,000 and VND 1,000,000 shall be imposed on non-motorized vehicles with gross tonnage from over 100 to 500 tons or loading of over 100 persons, motored vehicles with total capacity of main engine from over 100 to 400HP or loading from over 50 to 100 persons; towing boat team with gross tonnage from over 400 to 1,000 tons;

d) A fine of between VND 1,000,000 and VND 2,000,000 shall be imposed on non-motorized vehicles with gross tonnage of over 500 tons, motored vehicles with total capacity of main engine of over 400HP or loading of over 100 persons; towing boat team with gross tonnage of over 1,000 tons;

4. A fine of between VND 8,000,000 and 10,000,000 shall be imposed on high-speed boat operating without itinerary monitoring equipment or without operating as prescribed.

**Article 42. Violation of regulation on purpose and operational area of vehicles**

Sanctioning administrative violation against acts of putting the vehicles into operation and use improperly or improper operational area of the vehicles as prescribed as follows:

1. A caution or a fine of between VND 300,000 and VND 500,000 shall be imposed on non-motorized vehicles with gross tonnage of less than 05 tons or loading up to 12 persons; motored vehicles with total capacity of main engine of less than 05HP or loading of less than persons;

2. A fine of between VND 500,000 and VND 1,000,000 shall be imposed on non-motorized vehicles with gross tonnage from 05 to 15 tons or loading from over 12 to 50 persons; motored vehicles with total capacity of main engine from 05 to 15HP or loading from 05 to 12 persons;

3. A fine of between VND 1,000,000 and VND 2,000,000 shall be imposed on non-motorized vehicles with gross tonnage from over 15 to 100 tons or loading from over 50 to 100 persons; motored vehicles with total capacity of main engine from over 15 to 100HP or loading from 12 to 50 persons;

4. A fine of between VND 2,000,000 and VND 3,000,000 shall be imposed on non-motorized vehicles with gross tonnage from over 100 to 500 tons or loading over 100 persons; motored vehicles with total capacity of main engine from over 100 to 400HP or loading from over 05 to 100 persons;

5. A fine of between VND 3,000,000 and VND 4,000,000 shall be imposed on non-motorized vehicles with gross tonnage of over 500 tons; motored vehicles with total capacity of main engine of over 400HP or loading of over 100 persons;

**Article 43. Violation of regulation on design, new building, renewal, repair and restoration of vehicles**

1. A fine of between VND 3,000,000 and 5,000,000 shall be imposed on organizations and individuals that performing work of design, new building, renewal, repair and restoration of vehicles and are not eligible as prescribed.

2. A fine of between VND 5,000,000 and 7,000,000 shall be imposed on the owner of owners of facilities, individuals performing work of new building, renewal, repair and restoration of vehicles with one of acts of violation as follows:

a) Newly building, renewing, repairing and restoring the vehicles inconsistent with design dossier approved by register agency;

b) Failing to apply or fully apply measure to prevent and combat fire as prescribed;

3. A fine of between VND 7,000,000 and 10,000,000 shall be imposed for one of the following acts of violation:

a) The owner of facilities performing newly building, renewal, repair and restoration subject to the register without design dossier approved by the register agency.

b) The vehicles’ owners or seaman arbitrarily convert or change the features, structures and utility of vehicles.

**SECTION 3.**

**VIOLATION OF REGULATION ON CONDITIONS FOR SEAMAN AND CONTROLLER OF VEHICLES**

**Article 44. Violation of regulation on professional certificate of seaman and controller of vehicles**

1. Sanctioning administrative violation against seaman and controller of vehicles with acts of violation as follows:

a) A fine of between VND 200,000 and 300,000 shall be imposed on acts of having no and bring certificate of basic safety training or failing to bring the technical certificate;

b) A fine of between VND 300,000 and 500,000 shall be imposed on acts of having no technical certificate as prescribed or failing to bring special professional certificate;

c) A fine of between VND 300,000 and 500,000 shall be imposed on acts of having no special professional certificate as prescribed.

2. Sanctioning administrative violation against seaman working on the vehicles without certificate and bringing of certificate or with certificate but inconsistent with the type of vehicle as prescribed as follows:

a) A fine of between VND 500,000 and 1,000,000 shall be imposed on captain, mate, chief engineer and deputy chief engineer for failing to bring master’s certificate or chief engineer’s certificate;

b) A fine of between VND 1,000,000 and 2,000,000 shall be imposed on captain, mate, chief engineer and deputy chief engineer having master’s certificate and chief engineer’s certificate inconsistent with the type of vehicle as prescribed;

c) A fine of between VND 2,000,000 and 3,000,000 shall be imposed on captain, mate, chief engineer and deputy chief engineer who do not have certificates but they must have certificate of third-grade captain, restricted certificate of third-grade captain, certificate of third-grade chief engineer as prescribed;

d) A fine of between VND 3,000,000 and 4,000,000 shall be imposed on captain, mate, chief engineer and deputy chief engineer who do not have certificates but they must have certificate of second-grade captain and certificate of second-grade chief engineer as prescribed;

dd) A fine of between VND 4,000,000 and 5,000,000 shall be imposed on the captain, mate, chief engineer and deputy chief engineer who do not have certificates but they must have certificate of first -grade captain and certificate of first -grade chief engineer as prescribed;

3. A fine of VND 2,000,000 and 3,000,000 shall be imposed on one of the act of violation as follows:

a) Arranging title of captain, mate, chief engineer and deputy chief engineer without master’s certificate and chief engineer’s certificate or with master’s certificate and chief engineer’s certificate but inconsistent with the type of vehicle as prescribed;

b) Arranging person without master’s certificate or certificate of vehicle driving to control the vehicle or with master’s certificate or certificate of vehicle driving but inconsistent with the type of vehicle as prescribed;

4. Sanctioning administrative violation against acts of leasing, lending, renting or borrowing professional certificate; erasing and modifying professional certificate as follows:

a) A fine of between VND 500,000 and 1,000,000 shall be imposed on technical certificate;

b) A fine of between VND 1,000,000 and 2,000,000 shall be imposed on special professional certificate;

c) A fine of between VND 2,000,000 and 3,000,000 shall be imposed on master’s certificate and chief engineering certificate.

5. Sanctioning administrative violation against acts of untrue declaration to be issued with and changed in professional certificate as follows:

a) A fine of between VND 1,000,000 and 2,000,000 shall be imposed on professional certificate;

b) A fine of between VND 2,000,000 and 3,000,000 shall be imposed on special professional certificate;

c) A fine of between VND 3,000,000 and 5,000,000 shall be imposed on master’s certificate and chief engineering’s certificate.

6. Sanctioning administrative violation against acts of using fake professional certificate of seaman and inland waterway vehicle controller as follows:

a) A fine of between VND 3,000,000 and 4,000,000 shall be imposed on acts of using fakeprofessional certificate and special professional certificate;

b) A fine of between VND 6,000,000 and 8,000,000 shall be imposed on acts of using fake third-grade master’s certificate, restricted third-grade master’s certificate and third-grade chief engineering’s certificate

c) A fine of between VND 8,000,000 and 10,000,000 shall be imposed on acts of using fake second-grade master’s certificate, and second-grade chief engineering’s certificate

d) A fine of between VND 10,000,000 and 12,000,000 shall be imposed on acts of using fake first-grade master’s certificate, and first-grade chief engineering’s certificate.

7. A fine of between VND 20,000,000 and 30,000,000 shall be imposed on acts of faking master’s certificate, chief engineering’s certificate, professional certificate of seaman and inland waterway vehicle controller

8. Additional sanction:

a) Depriving the right to use professional certificate from 01 to 03 months for acts of violation specified in Clause 4 of this Article;

b) Confiscating exhibit and equipment used for administrative sanction against acts of violation specified in Clause 7 of this Article;

9. Remedial measures:

Coercively destroying fake professional certificate for acts of violation specified in Clause 6 and 7 of this Article.

**Article 45. Violation of regulation on seaman and vehicle controller**

1. A fine of between VND 100,000 and 200,000 shall be imposed on acts of having alcohol content exceeding 50 milligram/ 100 milliliter of blood or 0.25 miligam/01 liter of breathing air while working on the vehicles or using other stimulants prohibited by law.

2. A fine of between VND 200,000 and 500,000 shall be imposed on one of the acts of violation as follows:

a) Failing to allocate adequate seaman as prescribed or employing persons whose name do not exist in the seaman book to work on the vehicles;

b) Arranging seaman and vehicle controller to work in the condition the seaman and vehicle controller have alcohol content exceeding 50 milligram/ 100 milliliter of blood or 0.25 miligam/01 liter of breathing air while working on the vehicles or using other stimulants prohibited by law.

c) Failing to arrange seaman to watch the vehicle when it is anchored or failing to arrange person to watch when the vehicle travels in the limited vision condition;

d) Seaman arranged to watch the vehicle when it is anchored is not present on the vehicle or does not watch the vehicle as prescribed;

dd) Arranging and employing unqualified seaman to work on the vehicle as prescribed.

3. A fine of between VND 500,000 and 1,000,000 shall be imposed on one of the acts of violation as follows:

a) Arranging person who is healthy, old or too old as prescribed to take the title as captain, mate, chief engineer and deputy chief engineer;

b) The captain and mate are not present on the vehicle in their working shift when the vehicle is traveling;

c) The captain does not directly control the vehicle when it passes bridges, dry locks, enters and leaves port and inland wharf and in prescribed cases where the captain must directly control the vehicle;

d) The seaman who is not captain but controls the vehicle to pass bridges, dry locks, enters and leaves port and inland wharf and in prescribed cases where the captain must directly control the vehicle;

4. Sanctioning administrative violation against acts of controlling and working on the vehicle within the time of deprivation of right to use the professional certificate, master’s certificate and chief engineer’s certificate as follows:

a) A fine of VND 200.000 and 500.000 shall be imposed on professional certificate;

b) A fine of 500,000 and 1,000,000 shall be imposed on the third-grade master’s certificate, the restricted third-grade master’s certificate and the third-grade chief engineer’s certificate;

c) A fine of 1,000,000 and 2,000,000 shall be imposed on the second-grade master’s certificate, the second-grade chief engineer’s certificate;

d) A fine of 2,000,000 and 3,000,000 shall be imposed on the first-grade master’s certificate and the first-grade chief engineer’s certificate;

5. Additional sanction:

Depriving the right to use the master’s certificate from 01 to 02 months for acts of violation specified at Point b, c, Clause 3 of this Article;

**Article 46. Violation of regulation on training facilities of seaman and vehicle controller**

1. A fine of between VND 5,000,000 and 7,000,000 shall be imposed on training facilities of seaman and vehicle controller that have one of the following acts of violation:

a) Failing to comply with regulations on enrollment;

b) Failing to comply or incompletely comply with the contents and training programs as prescribed.

2. A fine of between VND 7,000,000 and 10,000,000 shall be imposed on the training facilities of seaman and vehicle controller who have one of the following acts of violation:

a) Failing to ensure the standard of classroom, workshop and practice area as prescribed;

b) The teaching materials do not ensure the contents and programs as prescribed;

c) The persons teaching and guiding the practice do not satisfy the eligibility and standard as prescribed;

d) Failing to comply with regulation on examination and testing for learners.

3. A fine of between VND 10,000,000 and 15,000,000 shall be imposed on the acts of organizing the seaman and vehicle controller training when not having been issued with the certificate by the competent authority.

4. Additional sanction:

Depriving the right to use the operating permit from 01 to 03 months for the training facility having one of the acts of violation specified in Clause 2 of this Article.

**Article 47. Violation of regulation on responsibility upon occurrence of inland waterway accident**

1. A caution or a fine of between VND 50,000 and 100,000 shall be imposed on the acts of failing to make timely announcement to the Public security agency or the nearest local People’s Committee upon occurrence of inland waterway accident;

2. A fine of between VND 100,000 and VND 200,000 shall be imposed on acts of failing to be present at the time of the convening by the competent state authority.

3. A fine of between VND 500,000 and 1,000,000 shall be imposed for one of the acts of violation as follows:

a) Failing to protect or altering traces and exhibits relating to the accident;

b) Failing to provide or sufficient provide documents and exhibits relating to the accident;

4. A fine of between VND 3,000,000 and 5,000,000 shall be imposed for one of the acts of violation as follows:

a) Evading the duties of search and rescue when conditions permit;

b) Causing the disorder and obstructing the search and rescue or accident settlement;

c) Taking advantage of the accident to infringe or appropriate property and vehicle in distress.

5. A fine of between VND 5,000,000 and 7,000,000 shall be imposed on acts of causing accident but fleeing.

6. Additional sanction:

Depriving the right to use professional certificate from 03 to 06 months for acts of violation specified in Clause 5 of this Article.

**Article 48. Violation of regulation on inspection and control**

1. A fine of between VND 500,000 and 1,000,000 shall be imposed for one of the acts of violation as follows:

a) Failing to stop the vehicle when receiving sign of inspection or control of the competent person;

b) Presenting incomplete papers of the vehicle, cargo and seaman or the vehicle controller upon the inspection requirement of the competent person;

c) Failing to comply with the competent person’s requirement for inspection and control of safety equipment and instrument of the vehicle.

2. A fine of between VND 1,000,000 and 2,000,000 shall be imposed for one of the acts of violation as follows:

a) Intentionally failing to stop the vehicle for inspection and control by the order of the competent person;

b) Failing to present or intentionally delaying or prolonging the presentation of papers of the vehicle, cargo and seaman or vehicle controller upon the inspection requirement of the competent person;

c) Having insult, slander, insult and hurting the competent person upon his/her inspection, control or obstructing the inspection and control;

d) Failing to comply or intentionally delay and prolong the time to comply with the competent person’s order to take the vehicle to the place of violation handling;

dd) Having acts of bribing the official-duty performer to evade the sanction of administrative violation.

3. A fine of between VND 2,000,000 and 3,000,000 shall be imposed for acts of opposing the inspection and control of the competent person.

4. Additional sanction:

Confiscating money, property or other material benefit for acts of violation specified at Point dd, Clause 2 of this Article.

**SECTION 4.**

**VIOLATION OF TRAFFIC RULE AND VEHICLE SIGN**

**Article 49. Violation of traffic rule**

1. A caution or a fine of between VND 100,000 and 200,000 shall be imposed on the controllers of non-motorized vehicle with gross tonnage of less than 05 tons or loading up to 12 persons; motorized vehicle with capacity of main engine under 05HP or loading under 05 persons for one of the acts of violation as follows:

a) Sticking and tying to the vehicles carrying people and dangerous cargo when traveling.

b) Letting the vehicles carrying people and dangerous cargo stick and tying to their vehicle when traveling.

c) Failing to comply with instruction of inland waterway signs;

d) Failing to reduce the speed of vehicle as prescribed;

dd) Failing to comply with regulation when passing bridges, dry locks or traffic controller;

e) Failing to give the vehicle signal as prescribed upon entering and leaving port or inland waterway wharf, traveling in the limited vision condition or place where the channels are intersected, curved or bent;

g) Anchoring the vehicles at prohibited anchoring place, failing to comply with regulations on vehicle anchoring or anchoring vehicles with traffic obstruction;

h) Failing to give signs as prescribed before leaving port and inland wharf or vehicle anchoring location;

i) Anchoring the vehicle to load and unload cargo, embark and disembark passengers at location which is not the water bodies of port and inland waterway wharf.

2. Sanctioning administrative violation for one of the acts of violation specified in Clause 1 of this Article applies for each type of vehicle as follows:

a) A fine of between VND 200,000 and 400,000 shall be imposed on the non-motorized vehicles with gross tonnage from 05 to 15 tons or loading of over 12 to 50 persons; motorized vehicles with total capacity of main engine from 05 to 15HP or loading from 05 to 12 persons;

b) A fine of between VND 200,000 and 300,000 shall be imposed on the non-motorized vehicles with gross tonnage from 15 to 100 tons or loading of over 50 to 100 persons; motorized vehicles with total capacity of main engine from over 15 to 100HP or loading from over 12 to 50 persons;

c) A fine of between VND 300,000 and 500,000 shall be imposed on the non-motorized vehicles with gross tonnage from 100 to 500 tons or loading of over 100 persons; motorized vehicles with total capacity of main engine from over 100 to 400HP or loading from over 50 to 100 persons;

d) A fine of between VND 500,000 and 1,000,000 shall be imposed on the non-motorized vehicles with gross tonnage of over 500 tons; motorized vehicles with total capacity of main engine of over 400HP or loading of over 100 persons;

3. A fine of between VND 100,000 and 200,000 shall be imposed on the acts of controlling non-motorized vehicles with gross tonnage of less than 05 tons or loading up to 12 persons; motorized vehicles with total capacity of main engine of less than 05HP or loading of less than 05 persons with one of the acts of violation as follows;

a) Failing to give signal or giving signal improperly when avoiding or passing each other;

b) Exceeding other vehicles when those vehicles have not given signals to permit the passing.

c) Abusing the right of giving way and priority right to cause danger or obstacle for other vehicles;

d) Failing to avoid and give way to other vehicles as prescribed;

dd) Sticking and tying to other means or allowing other means to stick and tie to their vehicles upon traveling to load and unload cargo.

4. Sanctioning administrative violation for one of the acts of violation specified in Clause 3 of this Article applies for each type of vehicle as follows:

a) A fine of between VND 200,000 and 300,000 shall be imposed on the non-motorized vehicles with gross tonnage from 05 to 15 tons or loading from over 12 to 50 persons; motorized vehicles with total capacity of main engine from over 05 to 15HP or loading from over 05 to 12 persons;

b) A fine of between VND 300,000 and 500,000 shall be imposed on the non-motorized vehicles with gross tonnage from over 15 to 100 tons or loading from over 50 to 100 persons; motorized vehicles with total capacity of main engine from over 15 to 100HP or loading from over 12 to 50 persons;

c) A fine of between VND 500,000 and 1,000,000 shall be imposed on the non-motorized vehicles with gross tonnage from over 100 to 500 tons or loading of over 100 persons; motorized vehicles with total capacity of main engine from over 100 to 400HP or loading from over 50 to 100 persons;

d) A fine of between VND 1,000,000 and 2,000,000 shall be imposed on the non-motorized vehicles with gross tonnage of over 500 tons; motorized vehicles with total capacity of main engine of over 400HP or loading of over 100 persons;

5. A fine of between VND 3,000,000 and 5,000,000 shall be imposed for one of the acts of violation as follows:

a) Controlling the vehicle in a zigzag fashion unsafely;

b) Controlling the vehicle to move with huge wave damaging the traffic works;

c) Controlling the vehicle to move with high speed to cause unsafety to other vehicles.

6. A fine of between VND 7,000,000 and 10,000,000 shall be imposed on captain controlling the vehicle without compliance with the sign announcing the limit of height, depth, width, thus causing traffic accident, traffic jams or damage to the buildings on the inland waterway.

7. A fine of between VND 10,000,000 and 15,000,000 shall be imposed on the captain of towing boat team for failing to comply with the sign to announcing the limit of towing, thus causing traffic accident, traffic jams or damage to the buildings on the inland waterway.

8. A fine of between VND 20,000,000 and 25,000,000 shall be imposed on the acts of racing the vehicles improperly;

9. A fine of between VND 35,000,000 and 40,000,000 shall be imposed on the acts of racing the vehicles without permission of the competent authority.

10. Additional sanction:

a) Depriving the right to use the master’s certificate, the professional certificate of seaman and vehicle controller from 01 to 02 for acts of violation specified in Clause 5 of this Article; depriving the right to use the master’s certificate from 02 to 03 months for acts of violation specified in Clause 6, 7 of this Article; depriving the right to use the professional certificate of seaman and vehicle controller from 03 to 04 months for acts of violation specified in Clause 8 of this Article.

b) Confiscating the vehicle for acts of violation specified in Clause 8 and 9 of this Article except that the vehicle is owned by someone else.

11. Remedial measures:

Coercively restoring the initial condition for the works damaged by acts of violation specified in Clause 6 and 7 of this Article.

**Article 50. Violation of regulation on sign of vehicle**

1. Sanctioning administrative violation for acts of using sign on the vehicle without the prescribed technical standard assurance as follows:

a) A caution or a fine of between VND 50,000 and 100,000 shall be imposed on the non-motorized vehicle with gross tonnage of less than 50 tons; motorized vehicle with capacity of main engine of less than 05HP or raft;

b) A fine of between VND 100,000 and 200,000 shall be imposed on the non-motorized vehicle with gross tonnage of 50 tons or more; motorized vehicle with capacity of main engine from 05 to less than 50HP, except for vehicles specified at Point c, Clause 1 of this Article;

c) A fine of between VND 200,000 and 300,000 shall be imposed on motored vehicles with total capacity of the main engine of 50HP or more, the vehicles with high speed of over 30 km / h, the motored vehicles carrying passengers, the vehicles carrying pilot, the vehicles performing duties on channel, fishing boat, the vehicles carrying dangerous cargo, the vehicles carrying people and diseased animals, the towing boat team or the vehicles are stranded on channel.

2. Sanctioning administrative violation for acts of failing to arrange or arrange with proper sign of the vehicle prescribed as follows:

a) A fine of between VND 100,000 and 300,000 shall be imposed on non-motored vehicles with the gross tonnage of less than 50 tons; the motored vehicles with capacity of main engine of less than 05HP or raft;

b) A fine of between VND 300,000 and 500,000 shall be imposed on non-motored vehicles with the gross tonnage of 50 tons or more; the motored vehicles with total capacity of main engine from 05 to less than 50HP except for vehicles specified at Point C, Clause 2 of this Article.

c) A fine of between VND 500,000 and 700,000 shall be imposed on motored vehicles with total capacity of main engine from 50HP or more, the motored vehicles carrying passengers, fishing boats, vehicles with high speed of over 30 km / h, the motored vehicles carrying passengers, the vehicles carrying pilot, the vehicles performing duties on channel, fishing boat, the vehicles carrying dangerous cargo, the vehicles carrying people and diseased animals, the towing boat team or the vehicles are stranded on channel.

**SECTION 5.**

**VIOLATION OF REGULATION ON OPERATION OF PORT AND INLAND WHARF AND INLAND WATERWAY TRANSPORT**

**Article 51. Violation of regulation on operation of port and inland wharf**

1. A fine of 500,000 to 1,000,000 shall be imposed on the owner of port, inland wharf with one of the acts of violation as follows:

a) Having no table of rule for port and inland wharf as prescribed; having no fare table at the port and passenger terminal as prescribed;

b) Failing to arrange or fully arrange or ensure the safety condition of one of anti-collision buffer equipment, bridge for going up and down, bollard or buoy for the vehicles to moor, lights at night, having no waiting hall for passengers.

c) Arranging the controller of loaded or unloaded equipment without professional certificate as prescribed.

2. A fine of between VND 1,000,000 and 2,000,000 shall be imposed on the owner of inland wharf with one of the acts as follows:

a) Operating the inland wharf beyond the scope of water body or permitted time limit; improperly operating; arbitrarily changing structure and size of inland wharf compared with regulation in the operating permit;

b) Failing to be equipped or fully equipped with fire prevention and fighting equipment as prescribed;

c) Using equipment of cargo loading and unloading without registration and technical safety standard assurance as prescribed;

d) Carrying passengers on the vehicle exceeding its loading capacity or loading cargo on the vehicle beyond its safe draft mark;

dd) Loading and unloading cargo or embarking and disembarking passengers when the vehicle is not allowed to enter the place of loading and unloading, embankment and dismemberment of passengers;

e) Receiving the vehicle with its net draft mark or bigger size compared with regulation in the permit of the competent authority.

3. A fine of between VND 2,000,000 and 3,000,000 shall be imposed for acts of putting the inland wharf into operation without permit of inland wharf operation of the competent authority.

4. A fine of between VND 3,000,000 and 4,000,000 shall be imposed on the owner of inland port with one of the acts of violation as follows:

a) Operating inland wharf improperly, beyond the scope of water body or exceeding the permitted time limit compared with the announced decision, change of port structure, size and function without consent of the competent authority

b) Failing to be equipped or fully equipped with fire prevention and fighting equipment as prescribed;

c) Using the loading and unloading equipment which does not meet technical safety standard as prescribed;

d) Carrying passengers on the vehicle exceeding its loading capacity or loading cargo on the vehicle beyond its safe draft mark;

dd) Loading and unloading cargo or embarking and disembarking passengers when the vehicle is not allowed to enter the place of loading and unloading, embankment and dismemberment of passengers;

e) Receiving the vehicle with its net draft mark or bigger size compared with regulation in the permit of the competent authority.

5. A fine of between VND 5,000,000 and 6,000,000 shall be imposed for acts of putting the port into operation without announcement of the competent authority.

6. Remedial measures:

Coercively reducing the number of passenger exceeding the loading capacity, the amount of cargo exceeding the safe draft mark of the vehicle as prescribed for acts of violation specified at Point d, Clause 2 and Point d, Clause 4 of this Article.

**Article 52. Violation of regulation on operation of vehicles within port and inland wharf**

1. A caution or a fine of between VND 200,000 and 300,000 shall be imposed on seaman or controller of non-motored vehicle with gross tonnage up to 15 tons or loading up to 30 persons; motored vehicle with total capacity of main engine up to 15HP or loading to 12 persons with one of the acts of violation as follows:

a) Violating rules of port and inland wharf or bringing about disorder at port and inland wharf;

b) Controlling the vehicle out of or into the port and inland wharf without permit of port and inland wharf leaving or entry as prescribed;

c) Failing to perform the command of the person having competence to mobilize vehicle to rescue people and vehicle in distress;

d) Arbitrarily moving or anchoring the vehicle at improper place within port water body or inland wharf.

2. Sanctioning administrative violation for one of the acts of violation specified in Clause 1 of this Article for each type of vehicle as follows:

a) A fine of between VND 500,000 and 1,000,000 shall be imposed on non-motored vehicles with the gross tonnage from over 15 to 100 tons or loading from over 30 to 100 persons; motored vehicles with total capacity of main engine from over 15 to 100HP or loading from over 12 to 50 persons;

b) A fine of between VND 1,000,000 and 2,000,000 shall be imposed on non-motored vehicles with the gross tonnage from over 100 to 500 tons or loading of over 100 persons; motored vehicles with total capacity of main engine from over 100 to 400HP or loading from over 50 to 100 persons or towing boat team with gross tonnage up to 1,000 tons;

c) A fine of between VND 2,000,000 and 3,000,000 shall be imposed on non-motored vehicles with the gross tonnage of over 500 tons; motored vehicles with total capacity of main engine of over 400HP or loading of over 100 persons or towing boat team with gross tonnage of over 1,000 tons;

3. A fine of between VND 3,000,000 and 5,000,000 shall be imposed on acts of controlling the vehicle into the port and inland wharf to load and unload cargo, embark and disembark without being announced or issued with operating permit.

**Article 53. Violation of regulation on load and unloading cargo on the vehicle**

1. A caution or a fine of between VND 50,000 and 100,000 shall be imposed on one of the following acts of violation for non-motored vehicle with gross tonnage up to 15 tons; motored vehicle with total capacity of main engine up to 15HP:

a) Loading and unloading cargo resulting in skewing the vehicle;

b) Loading cargo to obscure the vehicle controller’s vision or obstruct the operation of the steering and anchoring system and other safety equipment;

c) Arranging cargo exceeding the horizontal and vertical size of the vehicle;

d) Arranging cargo on vehicle hatch improperly.

2. Sanctioning administrative violation for one of the acts of violation specified in Clause 1 of this Article applies for each type of vehicle as follows:

a) A caution or a fine of between VND 100,000 and 200,000 shall be imposed on non-motored vehicle with gross tonnage from over 15 to 100 tons; motored vehicle with total capacity of main engine from over 15 to 100HP;

b) A fine of between VND 200,000 and 300,000 shall be imposed on non-motored vehicle with gross tonnage of over 100 tons; motored vehicle with total capacity of main engine from over 100 to 400HP, the towing boat team with gross tonnage up to 400 tons;

c) A fine of between VND 300,000 and 500,000 shall be imposed on non-motored vehicle with gross tonnage of over 400 tons; the towing boat team with gross tonnage from over 400 to 1,000 tons;

d) A fine of between VND 300,000 and 500,000 shall be imposed on the towing boat team with gross tonnage of over 1,000 tons;

3. Remedial measures:

Coercively stowing cargo properly for acts of violation specified in Clause 1 of this Article;

**Article 54. Violation of regulation on transport of people and passenger**

1. A caution or a fine of between VND 50,000 and 100,000 shall be imposed on the user of non-motored vehicle with loading up to 12 persons to transport people and passengers with one of the acts of violation as follows:

a) Failing to arrange seat for people and passengers; letting people and passengers stand on the vehicle or have other acts that lose the vehicle’s safety; letting people and passengers sit on the roof or both sides of the vehicle;

b) Arranging people, passengers, cargo, luggage, bicycles, motorcycles and other vehicles resulting in skewing the vehicle or obscuring the vision of the vehicle controller.

c) Having no safety rule or failing to disseminate safety rule and instruct the way to use the safety equipment for people and passengers on the vehicle;

d) Carrying small animals without cage or kennel or carrying large animals together with people and passengers on the vehicle;

dd) Having no compulsory insurance for civil liability as prescribed.

2. A fine of between VND 100,000 and VND 200,000 shall be imposed on the user of non-motored vehicle with loading of over 12 people; motored vehicle with loading up to 12 persons to transport people and passengers with one of the acts as follows:

a) Embarking and disembarking passengers at improper place;

b) Failing to arrange seat for people and passengers; letting people and passengers stand on the vehicle or have other acts that lose the vehicle’s safety;

c) Having no safety rule or failing to disseminate safety rule and instruct the way to use the safety equipment for people and passengers on the vehicle;

d) Letting people and passengers sit on the roof or both sides of the vehicle;

dd) Having no list of passengers per trip or having improper list of passenger except for cross-river passenger transport vehicle;

c) Arranging cargo and luggage on the aisle of passengers;

g) Carrying small animals without cage or kennel or carrying large animals together with people and passengers on the vehicle;

h) Having no compulsory insurance for civil liability as prescribed.

3. Sanctioning administrative violation for the user of vehicle to transport passengers with one of the acts of violation specified in Clause 2 of this Article or travel on wrong route, except for transporting passenger under contract; aborting registered trip; transferring passengers to other vehicles without passengers’ consent as follows:

a) A fine of between VND 200,000 and 300,000 shall be imposed on the vehicle with loading capacity from over 12 to 50 persons;

b) A fine of between VND 300,000 and 500,000 shall be imposed on the vehicle with loading capacity from over 50 to 100 persons;

c) A fine of between VND 500,000 and 1,000,000 shall be imposed on the vehicle with loading capacity of over 100 persons;

4. Sanctioning administrative violation for the user of high-speed vehicle to transport passengers with one of the acts of violation specified in Clause 2 of this Article or travel on wrong route, except for transporting passenger under contract; aborting registered trip; transferring passengers to other vehicles without passengers’ consent as follows:

a) A fine of between VND 300,000 and VND 500,000 shall be imposed on the high-speed vehicle designed from 30 km / h or more with loading of less than 05 people;

b) A fine of between VND 500,000 and VND 700,000 shall be imposed on the high-speed vehicle designed from 30 km / h or more with loading from 05 to 12 people;

c) A fine of between VND 700,000 and VND 1,000,000 shall be imposed on the high-speed vehicle designed from 30 km / h or more with loading from 12 to 50 people;

d) A fine of between VND 1,000,000 and VND 2,000,000 shall be imposed on the high-speed vehicle designed from 30 km / h or more with loading from over 50 people;

5. A fine of between VND 1,000,000 and 2,000,000 shall be imposed on hazardous, flammable, explosive cargo, large animals with passengers.

6. Sanctioning administrative violation for the acts of carrying exceeding loading capacity for people of cross-river passenger transport vehicle and passenger transport vehicle under contract as follows:

a) A fine of VND 50,000 shall be imposed on each person exceeding the number of people permitted for carrying, if carrying exceeding from 5% to 20% of the number of people permitted for carrying;

b) A fine of VND 70,000 shall be imposed on each person exceeding the number of people permitted for carrying, if carrying exceeding from 20% to 50% of the number of people permitted for carrying;

c) A fine of VND 100,000 shall be imposed on each person exceeding the number of people permitted for carrying, if carrying exceeding 50% of the number of people permitted for carrying;

7. A fine equal from 03 to 05 times of the fare per passenger exceeding the number of people permitted for carrying for means of transport along fixed routes and for tourists.

8. In case the vehicle is permitted to carry people and cargo, if carrying people exceeding it loading capacity, it shall be sanctioned as prescribed in Clause 6, 7 of this Article; if carrying cargo exceeding its safe draft mark, it shall be sanctioned as prescribed in Clause 56 of this Article;

9. Additional sanction:

Depriving the right to use master’s certificate and vehicle controlling certificate from 01 to 02 months for acts of violation specified at Point c, Clause 6 of this Article or acts of violation specified in Clause 7 of this Article if carrying people exceeding the permitted number from 30% or more.

10. Remedial measures:

a) Coercively taking large animals, explosive, combustible and toxic substances out of the vehicle for acts of violation specified at Point d, Clause 1, Point g, Clause 2 and Clause 5 of this Article; coercively taking the number of people and passengers exceeding the loading capacity out of the vehicle as prescribed for acts of violation specified in Clause 6 and 7 of this Article;

b) Coercively taking dead or diseased animals out of the vehicle for acts of violation specified in Clause 5 of this Article;

**Article 55. Passengers’ violation**

1. A caution or a fine of VND 50,000 and 100,000 for acts of failing to observe safety rules on the vehicle and failing to comply with instruction of seaman and vehicle controller;

2. A fine of between VND 100,000 and VND 200,000 for acts of failing to wear life jacket or floating lifesaving equipment when on board of cross-river transport vehicle.

3. A fine of between VND 200,000 and 500,000 shall be imposed on one of the acts of violation as follows:

a) Carrying luggage including goods banned by law from transport together with passengers;

b) Bringing about disorder and safety on the vehicle;

4. Additional sanction:

Confiscating cargo for acts of violation specified at Point a, Clause 3 of this Article.

**Article 56. Violation from carrying exceeding safe draft mark of the vehicle**

1. A caution or a fine of between VND 50,000 and 100,000 for acts of carrying cargo exceeding safe draft mark to 1/5 height of freeboard of the vehicle, including one of vehicle of towing boat team.

2. Sanctioning administrative violation for acts of carrying cargo exceeding safe draft mark from over 1/5 to 1/2 height of freeboard of the vehicle, including one of vehicle of towing boat team as follows:

a) A fine of between VND 100,000 and 200,000 shall be imposed on the vehicle with gross tonnage up to 15 tons;

b) A fine of between VND 200,000 and 300,000 shall be imposed on the vehicle with gross tonnage from over 15 to 50 tons;

c) A fine of between VND 300,000 and 400,000 shall be imposed on the vehicle with gross tonnage from over 50 to 100 tons;

d) A fine of between VND 400,000 and 500,000 shall be imposed on the vehicle with gross tonnage from over 100 to 150 tons;

dd) A fine of between VND 500,000 and 1,000,000 shall be imposed on the vehicle with gross tonnage from over 150 to 300 tons;

 e) A fine of between VND 1,000,000 and 2,000,000 shall be imposed on the vehicle with gross tonnage from over 300 to 500 tons or towing boat team with gross tonnage up to 400 tons;

g) A fine of between VND 2,000,000 and 3,000,000 shall be imposed on the vehicle with gross tonnage from over 500 to 1,000 tons or towing boat team with gross tonnage from over 400 -1,000 tons;

h) A fine of between VND 2,000,000 and 4,000,000 shall be imposed on the vehicle with gross tonnage of over 1,000 tons or towing boat team with gross tonnage from over 1,000 to 1,500 tons;

i) A fine of between VND 3,000,000 and 5,000,000 shall be imposed on the towing boat team with gross tonnage of over 1,500 tons;

3. Sanctioning administrative violation for acts of carrying cargo exceeding safe draft mark of over 1/2 height of freeboard of the vehicle, including one of vehicle of towing boat team as follows:

a) A fine of between VND 200,000 and 300,000 shall be imposed on the vehicle with gross tonnage up to 15 tons;

b) A fine of between VND 300,000 and 500,000 shall be imposed on the vehicle with gross tonnage from over 15 to 50 tons;

c) A fine of between VND 500,000 and 1,000,000 shall be imposed on the vehicle with gross tonnage from over 50 to 100 tons;

d) A fine of between VND 1,000,000 and 2,000,000 shall be imposed on the vehicle with gross tonnage from over 100 to 150 tons;

dd) A fine of between VND 2,000,000 and 3,000,000 shall be imposed on the vehicle with gross tonnage from over 150 to 300 tons;

e) A fine of between VND 2,000,000 and 4,000,000 shall be imposed on the vehicle with gross tonnage from over 300 to 500 tons or towing boat team with gross tonnage up to 400 tons;

g) A fine of between VND 4,000,000 and 5,000,000 shall be imposed on the vehicle with gross tonnage from over 500 to 1,000 tons or towing boat team with gross tonnage from over 400 to 1,000 tons;

h) A fine of between VND 5,000,000 and 7,000,000 shall be imposed on the vehicle with gross tonnage from over 1,000 tons or towing boat team with gross tonnage from over 1,000 to 1,500 tons;

i) A fine of between VND 7,000,000 and 10,000,000 shall be imposed on the towing boat team with gross tonnage of over 1,500 tons;

4. Additional sanction:

Depriving the right to use the master’s certificate from 01 to 02 months for acts of violation specified in Clause 3 of this Article.

5. Remedial measures:

Coercively reducing the loading down to the safe draft mark of the vehicle for acts of violation specified in Clause 2 of this Article.

**Article 57. Violation of regulation on transport of dangerous goods**

1. A fine of between VND 2,000,000 and 3,000,000 shall be imposed for transportation of dangerous cargo with one of the following acts of violation:

a) Failing to fully comply with regulations on transportation of dangerous cargo;

b) Failing to comply with regulation on safety, fire and explosion prevention and fighting and toxicity specified in the permit;

c) Having no compulsory insurance for civil liability for cargo transport operation with compulsory insurance for civil liability.

2. A fine of between VND 3,000,000 and 5,000,000 shall be imposed for transportation of dangerous cargo with one of the following acts of violation:

a) Having no permit of the competent authority;

b) Failing to be equipped with means and instrument of fire and explosion and toxicity or having no rescue plans for oil spill when transporting gasoline and oil;

c) Vehicle transporting dangerous cargo has no symbol of dangerous cargo and danger signs.

d) Failing to comply with the procedures for cleaning the vehicle transporting dangerous cargo;

dd) Cleaning the vehicle transporting dangerous cargo at improper place;

3. Additional sanctions:

Depriving the right to use master’s certificate and professional certificate of captain and vehicle controller from 01 to 03 months for acts of violation specified in Clause 2 of this Article.

4. Remedial measures:

Coercively removing all dangerous cargo for acts of violation specified at Point dd, Clause 2 of this Article.

**Article 58. Violation of regulation on transporting live animals, oversize and overweight cargo**

1. A fine of between VND 3,000,000 and 5,000,000 shall be imposed for acts of transporting animals prohibited from transport, live animals without hygiene, epidemic prevention and environmental protection assurance as prescribed.

2. A fine of between VND 5,000,000 and 10,000,000 shall be imposed for acts of transporting oversize and overweight cargo without safety plans approved by the competent state agencies.

3. Additional sanction:

Depriving the right to use the master’s certificate from 01 to 03 months for acts of violation specified in Clause 1 and 2 of this Article.

4. Remedial measures:

a) Coercively taking measures to ensure the environmental hygiene for acts of violation specified in Clause 1 of this Article;

b) Coercively taking measures to ensure the safety for acts of violation specified in Clause 2 of this Article.

**Article 59. Violation of regulation on pilot on inland waterway**

1. A fine of between VND 1,000,000 and 3,000,000 shall be imposed on one of the acts of violation as follows:

a) Guiding ships and vehicles without professional pilot certificate or pilot eligibility certificate as prescribed;

b) Pilot guides ships and vehicles in improper pilot’s operational area as prescribed;

c) Pilot does not guide ships and vehicles into the proper anchoring place defined by the inland waterway Port Authority;

d) Pilot does not inform of changes of channel to the inland waterway Port Authority;

dd) Pilot arbitrarily leaves ship or vehicle without captain’s permission;

2. A fine of between VND 5,000,000 and 10,000,000 shall be imposed on one of the acts of violation as follows:

a) Failing to employ pilot as prescribed;

b) Failing to inform or accurately inform of the features and characteristics of the ship to the pilot;

c) Failing to ensure working conditions for pilot during his/her stay on board;

d) Guiding ships and vehicles on channel, line and inland waterway body without pilot operating permit in that area;

dd) Obligating seaman and vehicle controller to hire the pilotage of ships and vehicles in the area without compulsory pilotage.

**Chapter 4.**

**AUTHORITY TO RECORD ADMINISTRATIVE VIOLATION AND AUTHORITY TO SANCTION ADMINISTRATIVE VIOLATION**

**SECTION 1.**

**AUTHORITY TO RECORD ADMINISTRATIVE VIOLATION**

**Article 60. Authority to record administrative violation in the field of maritime and inland waterway transport**

Person having authority to sanction administrative in the field of maritime and inland waterway transport; public servants and officials performing public affairs and duties within their responsibility and detecting acts of violation on maritime and inland waterway transport must stop and record the administrative violation as prescribed. For acts of administrative violation occurring on sea ship, the captain shall record them and transfer the record to the person having authority to impose administrative sanction when the ship arrives at the port.

**SECTION 2.**

**AUTHORITY TO SANCTION ADMINISTRATIVE VIOLATION IN THE FIELD OF MARITIME TRANSPORT**

**Article 61. Inspector’s authority**

1. Inspector of the Ministry of Transport, inspector of specialized maritime sector and person assigned to perform inspection tasks of specialized maritime sector have the right to:

a) Impose a caution;

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

c) Confiscate exhibit and vehicle used for administrative violation valued up to VND 500,000;

d) Apply remedial measures specified at Point a, c and dd, Clause 1, Article 28 of the Law on handling of administrative violation.

2. Chief Inspector Vietnam Maritime Administration and Head of specialized inspection team of Vietnam Maritime Administration has the right to:

a) Impose a caution;

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

c) Deprive the right to use the permit or certificate of practice definitely or suspending operation definitely.

d) Confiscate exhibit and vehicle used for administrative violation valued up to VND 50,000,000;

dd) Apply remedial measures specified in Clause 1, Article 28 of the Law on handling of administrative violation and other remedial measures specified in Chapter II of this Decree.

3. Head of specialized inspection team of the Ministry of Transport has the right to:

a) Impose a caution;

b) Impose a fine up to VND 70,000,000;

c) Deprive the right to use the permit or certificate of practice definitely or suspending operation definitely.

d) Confiscate exhibit and vehicle used for administrative violation valued up to VND 70,000,000;

dd) Apply remedial measures specified in Clause 1, Article 28 of the Law on handling of administrative violation and other remedial measures specified in Chapter II of this Decree.

4. Chief Inspector of the Ministry of Transport has the right to:

a) Impose a caution;

b) Impose a fine up to VND 10,000,000;

c) Deprive the right to use the permit or certificate of practice definitely or suspending operation definitely.

d) Confiscate exhibit and vehicle used for administrative violation;

dd) Apply remedial measures specified in Clause 1, Article 28 of the Law on handling of administrative violation and other remedial measures specified in Chapter II of this Decree.

**Article 62. Authority of Port Authority**

1. Chief representative of Port Authority has the right to:

a) Impose a caution;

b) Impose a fine up to VND 10,000,000;

c) Confiscate exhibit and vehicle used for administrative violation valued up to VND 70,000,000;

2. Director of Port Authority and Head of specialized inspection team of Port Authority has the right to:

a) Impose a caution;

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

c) Deprive the right to use the permit or certificate of practice definitely or suspending operation definitely.

d) Confiscate exhibit and vehicle used for administrative violation valued up to VND 25,000,000;

dd) Apply remedial measures specified in Clause 1, Article 28 of the Law on handling of administrative violation and other remedial measures specified in Chapter II of this Decree.

**Article 63. Authority of Director of Vietnam Maritime Administration**

Director of Vietnam Maritime Administration has the right to:

a) Impose a caution;

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

3. Deprive the right to use the permit or certificate of practice definitely or suspending operation definitely.

4. Confiscate exhibit and vehicle used for administrative violation;

5. Apply remedial measures specified in Clause 1, Article 28 of the Law on handling of administrative violation and other remedial measures specified in Chapter II of this Decree.

**Article 64. Authority of Chairman of provincial-level People’s Committee**

Chairman of provincial-level People’s Committee has the right to:

a) Impose a caution;

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

3. Deprive the right to use the permit or certificate of practice definitely or suspending operation definitely.

4. Confiscate exhibit and vehicle used for administrative violation;

5. Apply remedial measures specified in Clause 1, Article 28 of the Law on handling of administrative violation and other remedial measures specified in Chapter II of this Decree.

**Article 65. Authority of People's police force**

1. The People's police force has the right to impose sanction against administrative violations directly related to the sector under their management specified at Points d and e, Clause 1, Article 9, Article 10 and Article 11 of this Decree.

2. The maximum fine level and authority to sanction of the people's police force shall comply with the provisions of Point dd, Clause 1, Article 24 and Article 39 of the Law on handling of administrative violation.

**Article 66. Authority of Coast Guard**

1. The Coast Guard force has the right to impose sanction against administrative violations discovered outside port water bodies directly related to the sector under their management specified in Clause 4 of Article 15, Point e, Clause 5 of Article 15, Clause 6 of Article 15, Articles 16, 17, 18, 19, 20 and 21 of this Decree.

2. The maximum fine level and authority to sanction of the Coast Guard force shall comply with the provisions at Point dd, Clause 1, Article 24 and Article 41 of the Law on handling of administrative violation.

**SECTOR 3.**

**AUTHORITY TO SANCTION ADMINISTRATIVE VIOLATION IN THE FIELD OF INLAND WATERWAY TRANSPORT.**

**Article 67. Authority of Chairman of provincial-level People’s Committee**

Chairman of provincial-levelPeople's Committee at all levels shall impose sanction against administrative specified in this Decree within the management of their localities under the authority as follows:

1. Chairman of communal-level People's Committee has the right to:

a) Impose a caution;

b) Impose a fine up to VND 5,000,000;

c) Confiscate exhibit and vehicle used for administrative violation valued up to VND 5,000,000;

d) Apply remedial measures specified at Point a, b, c and dd, Clause 1, Article 28 of the Law on handling of administrative violation;

2. Chairman of district-level People's Committee has the right to:

a) Impose a caution;

b) Impose a fine up to VND 37,500,000,000;

c) Deprive the right to use the operating permit, professional certificate or other certificates of practice under his/her authority or suspend operation;

d) Confiscate exhibit and vehicle used for administrative violation valued up to VND 37,500,000,000;

dd) Apply remedial measures specified at Points a, b, c, dd and i, Clause 1, Article 28 of the Law on handling of administrative violation and other remedial measures specified in Chapter III of this Decree.

3. Chairman of provincial-level People's Committee has the right to:

a) Impose a caution;

b) Impose a fine up to VND 75,000,000,000;

c) Deprive the right to use the operating permit, professional certificate or other certificates of practice under his/her authority or suspend operation;

d) Confiscate exhibit and vehicle used for administrative violation;

dd) Apply remedial measures specified in Clause 1, Article 28 of the Law on handling of administrative violation and other remedial measures specified in Chapter III of this Decree.

**Article 68. Authority of the People's Police force**

The People's Police force has the right to impose sanction against acts of administrative violation specified in this Decree, except that the acts of violation specified in Article 43 of this Decree occur at facilities performing new building, conversion, repair and restoration of vehicle, the acts of violation specified in Article 46 of this Decree occur at seaman and vehicle controller training facilities and acts of violation occur within the duties and power of inland waterway Port Authority at ports and inland wharves managed by the inland waterway Port Authority. The authority is as follows:

1. Police officers who are on duty have the right to:

a) Impose a caution;

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

2. Captain, head of station, head of waterway police team have the right to:

a) Impose a caution;

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

3. Head of communal-level police:

a) Impose a caution;

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

c) Confiscate exhibit and vehicle used for administrative violation valued up to VND 2,500,000;

d) Apply remedial measures specified at Points a, b, c, dd, Clause 1, Article 28 of the Law on handling of administrative violation;

4. Head of district-level police, Head of waterway police division, Head of Traffic Police division, Head of police division on administrative management of social order, Head of order Police division of provincial Police, Head of operation division of waterway Police Department, Head of waterway police team have the right to:

a) Impose a caution;

b) Impose a fine of up to VND 15,000,000;

c) Deprive the right to use the operating permit, professional certificate or other certificates of practice under his/her authority or suspend operation;

d) Confiscate exhibit and vehicle used for administrative violation valued up to VND 15,000,000;

dd) Apply remedial measures specified at Points a, c, dd, Clause 1, Article 28 of the Law on handling of administrative violation and other remedial measures specified in Chapter III of this Decree, except for measures to dismantle the building and part of building without permit or built in contradiction with permit.

5. Director of provincial-level police has the right to:

a) Impose a caution;

b) Impose a fine up to VND 37,500,000;

c) Deprive the right to use the operating permit, professional certificate or other certificates of practice under his/her authority or suspend operation;

d) Confiscate exhibit and vehicle used for administrative violation valued up to VND 37,500,000;

dd) Apply remedial measures specified at Points a, c, dd and i, Clause 1, Article 28 of the Law on handling of administrative violation and other remedial measures specified in Chapter III of this Decree, except for measures to dismantle the building and part of building without permit or built in contradiction with permit.

6. Director of waterway police Department and Director of police Department on administrative management of social order have the right to:

a) Impose a caution;

b) Impose a fine up to VND 75,000,000;

c) Deprive the right to use the operating permit, professional certificate or other certificates of practice under his/her authority or suspend operation;

d) Confiscate exhibit and vehicle used for administrative violation;

dd) Apply remedial measures specified at Points a, c, dd and i, Clause 1, Article 28 of the Law on handling of administrative violation and other remedial measures specified in Chapter III of this Decree, except for measures to dismantle the building and part of building without permit or built in contradiction with permit.

**Article 69. Authority of traffic inspector**

The traffic inspector has the right to impose sanction against administrative violation for acts of violation of regulation on management and protection of inland waterway works; technical standard for operation of inland waterway traffic works; inland waterway transport; seaman and vehicle controller training facilities; new building, conversion, repair and restoration of vehicle at the facilities performing new building, conversion, repair and restoration of vehicle; the vehicle, seaman and vehicle controller at the port and inland wharf or vehicle anchoring place, except for port and inland wharf within the responsibility of inland waterway Port Authority as prescribed in this Decree. The authority is as follows:

1. Inspector on duty has the right to:

a) Impose a caution;

b) Impose a fine up to VND 500,000;

c) Confiscate exhibit and vehicle used for administrative violation valued up to VND 500,000;

d) Apply remedial measures specified at Points a, c and dd, Clause 1, Article 28 of the Law on handling of administrative violation;

2. Chief Inspector of Service of Transport, Head of inspection team of Service of Transport have the right to:

a) Impose a caution;

b) Impose a fine up to VND 37,500,000;

c) Deprive the right to use the operating permit, professional certificate or other certificates of practice under his/her authority or suspend operation;

d) Confiscate exhibit and vehicle used for administrative violation valued up to VND 37,500,000;

dd) Apply remedial measures specified in Clause 1, Article 28 of the Law on handling of administrative violation and other remedial measures specified in Chapter III of this Decree.

3. Authority of Head of specialized inspection team of the Ministry of Transport has the right to:

a) Impose a caution;

b) Impose a fine up to VND 52,500,000;

c) Deprive the right to use the operating permit, professional certificate or other certificates of practice under his/her authority or suspend operation;

d) Confiscate exhibit and vehicle used for administrative violation valued up to VND 52,500,000;

dd) Apply remedial measures specified in Clause 1, Article 28 of the Law on handling of administrative violation and other remedial measures specified in Chapter III of this Decree.

4. Chief inspector of Ministry of Transport has the right to:

a) Impose a caution;

b) Impose a fine up to VND 75,000,000;

c) Deprive the right to use the operating permit, professional certificate or other certificates of practice under his/her authority or suspend operation;

d) Confiscate exhibit and vehicle used for administrative violation;

dd) Apply remedial measures specified in Clause 1, Article 28 of the Law on handling of administrative violation and other remedial measures specified in Chapter III of this Decree.

**Article 70. Authority of inland waterway Port Authority**

The inland waterway Port Authority has the right to impose sanction against administrative violation for acts of violation specified in this Decree within their management. The authority is as follows:

1. Chief representative of the inland waterway Port Authority has the right to:

a) Impose a caution;

b) Impose a fine up to VND 10,000,000;

c) Confiscate exhibit and vehicle used for administrative violation valued up to VND 10,000,000;

2. Director of the inland waterway Port Authority of Vietnam inland waterway Department has the right to:

a) Impose a caution;

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

c) Deprive the right to use the operating permit, professional certificate or other certificates of practice under his/her authority or suspend operation;

d) Confiscate exhibit and vehicle used for administrative violation valued up to VND 25,000,000;

dd) Apply remedial measures specified at Points a, b, c, dd, i and k, Clause 1, Article 28 of the Law on handling of administrative violation and other remedial measures specified in Chapter III of this Decree.

**Article 71. Authority of agency assigned to perform specialized inspection function**

1. Person assigned to perform the specialized inspection of inland waterway transport has the right:

a) Impose a caution;

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

c) Confiscate exhibit and vehicle used for administrative violation valued up to VND 500,000;

d) Apply remedial measures specified at Points a, c and dd, Clause 1, Article 28 of the Law on handling of administrative violation.

2. Head of inspection team of inland waterway Port Authority under Vietnam inland waterway Department, Head of inspection team of Vietnam inland waterway Department, Head of inland waterway sub-Department Authority under Vietnam inland waterway Department have the right to:

a) Impose a caution;

b) Impose a fine up to VND 37,500,000;

c) Deprive the right to use the operating permit, professional certificate or other certificates of practice under his/her authority or suspend operation;

d) Confiscate exhibit and vehicle used for administrative violation valued up to 37,500,000;

dd) Apply remedial measures specified in Clause 1, Article 28 of the Law on handling of administrative violation and other remedial measures specified in Chapter III of this Decree.

3. Director of Vietnam inland waterway Department has the right to:

a) Impose a caution;

b) Impose a fine up to VND 75,000,000;

c) Deprive the right to use the operating permit, professional certificate or other certificates of practice under his/her authority or suspend operation;

d) Confiscate exhibit and vehicle used for administrative violation;

dd) Apply remedial measures specified in Clause 1, Article 28 of the Law on handling of administrative violation and other remedial measures specified in Chapter III of this Decree.

**Article 72. Authority of border Guard**

The border Guard has the right to impose sanction against administrative violation for acts of violation of regulation on traffic buildings; vehicles, seaman, controller of inland waterway transportation vehicle in border area within the responsibility of border Guard, except for scope of responsibility of the inland waterway Port Authority. The authority is as follows:

1. Border officer on duty has the right to:

a) Impose a caution;

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

2. Head of team, Head of border control station have the right to:

a) Impose a caution;

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

3. Head of border station, Head of marine border team have the right:

a) Impose a caution;

b) Impose a fine up to VND 15,000,000;

c) Confiscate exhibit and vehicle used for administrative violation valued up to VND 15,000,000;

d) Apply remedial measures specified at Points a, c, dd, Clause 1, Article 28 of the Law on handling of administrative violation and other remedial measures specified in Chapter III of this Decree, except for measures to dismantle the building and part of building without permit or built in contradiction with permit.

4. Commander of provincial-level border guard, Commander of border squadron directly under the Command of border guard have the right:

a) Impose a caution;

b) Impose a fine up to VND 75,000,000;

c) Confiscate exhibit and vehicle used for administrative violation;

d) Apply remedial measures specified at Points a, c, dd, Clause 1, Article 28 of the Law on handling of administrative violation and other remedial measures specified in Chapter III of this Decree, except for measures to dismantle the building and part of building without permit or built in contradiction with permit.

**Article 73. Authority of Coast Guard**

The Coast Guard has the right to impose sanction against administrative violation for acts of violation of regulation on traffic buildings; vehicles, seaman, controller of inland waterway transportation vehicle in border area within the responsibility of the Coast Guard, except for scope of responsibility of the inland waterway Port Authority. The authority is as follows:

1. The Coast Guard on duty has the right to:

a) Impose a caution;

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

2. Head of Coast Guard operation group has the right to:

a) Impose a caution;

b) Impose a fine up to VND 3,750,000;

3. Head of Coast Guard operation team has the right to:

a) Impose a caution;

b) Impose a fine up to VND 7,500,000;

c) Apply remedial measures specified at Points a, c, dd, Clause 1, Article 28 of the Law on handling of administrative violation;

4. Head of Coast Guard marine team has the right to:

a) Impose a caution;

b) Impose a fine up to VND 15,000,000;

c) Confiscate exhibit and vehicle used for administrative violation valued up to VND 15,000,000;

d) Apply remedial measures specified at Points a, c, dd, Clause 1, Article 28 of the Law on handling of administrative violation and other remedial measures specified in Chapter III of this Decree, except for measures to dismantle the building and part of building without permit or built in contradiction with permit.

5. Head of Coast Guard marine squadron has the right to:

a) Impose a caution;

b) Impose a fine up to VND 22,500,000;

c) Confiscate exhibit and vehicle used for administrative violation valued up to VND 22,500,000;

d) Apply remedial measures specified at Points a, c, dd, Clause 1, Article 28 of the Law on handling of administrative violation and other remedial measures specified in Chapter III of this Decree, except for measures to dismantle the building and part of building without permit or built in contradiction with permit.

6. Commander of Coast Guard region has the right to:

a) Impose a caution;

b) Impose a fine up to VND 37,500,000;

c) Confiscate exhibit and vehicle used for administrative violation valued up to VND 37,500,000;

d) Apply remedial measures specified at Points a, c, dd, Clause 1, Article 28 of the Law on handling of administrative violation and other remedial measures specified in Chapter III of this Decree, except for measures to dismantle the building and part of building without permit or built in contradiction with permit.

7. Director of Coast Guard Department has the right to:

a) Impose a caution;

b) Impose a fine up to VND 75,000,000;

c) Deprive the right to use the operating permit, professional certificate or other certificates of practice under authority;

d) Confiscate exhibit and vehicle used for administrative violation;

dd) Apply remedial measures specified at Points a, b, c, dd, Clause 1, Article 28 of the Law on handling of administrative violation and other remedial measures specified in Chapter III of this Decree.

**Chapter 5**

**IMPLEMENTATION PROVISION**

**Article 74. Effect**

1. This Decree takes effect on October 15, 2013.

2. This Decree supersedes Decrees No. 48/2011/ND-CP dated June 21, 2011 of the Government stipulating the sanction of administrative violation in the maritime area and No. 60/2011/ND-CPdated July 20, 2011 of the Government stipulating the sanction of administrative violation in the field of inland waterway transport.

**Article 75. Implementation organization**

1. The Minister of Transport is responsible for organizing and guiding the implementation of this Decree.

2. The Ministers, heads of ministerial-level agencies, heads of government-attached agencies and Chairman of People's Committees of provinces and centrally-run cities are liable to execute this Decree. /.

|  |  |
| --- | --- |
|   | **THE GOVERNMENTPRIME MINISTERNguyen Tan Dung** |