THE GOVERNMENT ---	THE SOCIALIST REPUBLIC OF VIETNAM Independence – Freedom – Happiness ---
No.: 64/2018/ND-CP	*Hanoi, May 07, 2018*

DECREE

PENALTIES FOR ADMINISTRATIVE VIOLATIONS AGAINST REGULATIONS ON LIVESTOCK BREEDS, ANIMAL FEEDS AND AQUA FEEDS

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

Pursuant to the Law on actions against administrative violations dated June 20, 2012;

Pursuant to the Ordinance on livestock breeds dated March 24, 2004;

At the request of Minister of Agriculture and Rural Development;

The Government promulgates a Circular on penalties for administrative violations against regulations on livestock breeds, animal feeds and aqua feeds.

Chapter I

GENERAL PROVISIONS

Article 1. Scope

1. This Decree deals with violations, penalties, fines, remedial measures, the power to impose administrative penalties and the power to record administrative violations against regulations on livestock breeds (including aquatic breeds), animal feeds and aqua feeds.

2. Administrative violations against regulations on livestock breeds, animal feeds and aqua feeds governed by this Decree include:

a) Violations against regulations of the Decree No. 39/2017/ND-CP , including regulations on manufacturing and processing of animal and aqua feeds; regulations on trade in animal and aqua feeds; regulations on import of animal and aqua feeds; regulations on experiments with animal and aqua feeds; regulations on expiry date of animal and aqua feeds; regulations on manufacturing, trading and importing of animal and aqua feeds containing antibiotics or prohibited substances; and regulations on use of prohibited substances in the animal farming and aquaculture.

b) Violations against regulations on management and conservation of animal genetic resources; use and conservation of genetic resources of rare breeds; testing and appraisal of new livestock breeds; production, trading, importing and exporting of livestock breeds; management of quality of livestock breeds.

3. Other Government's Decrees on administrative penalties for corresponding violations shall apply to administrative violations against regulations on livestock breeds, animal feeds and aqua feeds that are not regulated by this Decree.

Article 2. Regulated entities

1. This Decree applies to organizations and individuals that commit livestock breed offences, animal feed offences and aqua feed offences within the territory of Vietnam.

2. Organizations mentioned in Clause 1 of this Article include:

a) Economic organizations that are duly established under the Law on enterprises, consisting of: Private enterprises, joint-stock companies, limited liability companies and partnerships;

b) Economic organizations that are duly established under the Law on co-operatives, consisting of: Co-operatives and cooperative unions;

c) Economic organizations that are duly established under the Law on investment, consisting of: Domestic investors, foreign investors and foreign-invested economic organizations;

d) Public service providers and other organizations as prescribed by law.

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

Article 3. Prescriptive periods for administrative violations punishable

1. The prescriptive period for imposition of penalties for livestock breed offences, animal feed offences and aqua feed offences is 01 year. The prescriptive period for imposition of penalties for administrative violations against regulations on manufacturing, trading, importing and exporting of livestock breeds, animal feeds and aqua feeds shall be 02 years.

2. Time for calculating the prescriptive period mentioned in Clause 1 of this Article shall be determined according to regulations of Points b, c, d Clause 1 Article 6 of the Law on actions against administrative penalties.

Article 4. Penalties and remedial measures

1. The entity that commits one of the administrative violations against regulations on livestock breeds, animal and aqua feeds must incur a warning or a fine.

2. The entity that commits an administrative violation must, subject to the nature and severity of the violation, also face one or several additional penalties as follows:

a) Suspend operations for a fixed period;

b) Confiscate the exhibits and instrumentalities for committing administrative violations.

3. The violating entity is also liable to enforce one or several remedial measures as follows:

a) Enforced recall of livestock breeds; animal feeds and aqua feeds;

b) Enforced recycling of animal feeds and aqua feeds;

c) Enforced repurposing of animal feeds, aqua feeds, or livestock breeds;

d) Enforced re-exporting of animal feeds, aqua feeds, or livestock breeds;

dd) Enforced destruction of prohibited substances; animal and aqua feed products; raised livestock or aquatic animals; livestock breeds;

e) Enforced invalidation of results of experiment with animal feeds or aqua feeds;

g) Enforced correction of information on labels or accompanied technical documents of the entire batch of animal and aqua feed products;

h) Enforced raising of animals or aquatic animals which have been fed with prohibited substances until testing report indicates that no prohibited substance residue exists;

i) Enforced implementation of environmental pollution control measures;

k) Enforced relocation of facilities that produce aquatic breeds;

l) Enforced correction of experimental or testing results.

Article 5. Fines and the power to impose fines for violations against regulations on livestock breeds, animal and aqua feeds; rules for determining the degrees of violations against regulations on quality of animal and aqua feed products

1. The maximum fine imposed upon an individual for committing an animal breed offence is VND 50,000,000; the same imposed upon an organization is VND 100,000,000. The maximum fine imposed upon an individual for committing an animal or aqua feed offence is VND 100,000,000; the same imposed upon an organization is VND 200,000,000.

2. The fines for administrative violations prescribed in Chapter II herein are imposed upon individuals. The fine incurred by an organization is twice as much as that incurred by an individual for committing the same administrative violation.

3. The fines imposed by the authorized persons prescribed in Chapter III herein are incurred by individuals for committing administrative violations herein. An authorized person may impose a fine which is twice as much as the one is imposed on an individual for committing the same violation.

4. The degrees of violations against regulations on quality of animal and aqua feed products herein shall be determined according to analytical results while taking into account tolerances for quality-control testing as regulated by the Ministry of Agriculture and Rural Development.

Chapter II
ADMINISTRATIVE VIOLATIONS AGAINST REGULATIONS ON LIVESTOCK BREEDS, ANIMAL AND AQUA FEEDS, PENALTIES, FINES AND REMEDIAL MEASURES THEREOF
Section 1. ANIMAL FEEDS AND AQUA FEEDS
Article 6. Violations against eligibility requirements applied to facilities manufacturing and processing animal and aqua feeds

1. A warning shall be imposed for failure to enclose the production site with walls or fences.

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

a) Failure to employ technicians who must obtain appropriate qualifications;

b) Failure to have or rent testing laboratories used for analyzing quality of animal and aqua feeds in the course of production and processing;

c) Failure to adopt solutions for avoiding rodent, bird and other harmful animal infestation;

d) Failure to arrange measurement devices or instruments in place in order to control quality of animal and aqua feed products and ensure accuracy in accordance with applicable laws and regulations on measurement;

dd) Failure to arrange relevant dust collection equipment and waste treatment systems in place to avoid contaminating feed products and assure that environmental standards conform to relevant regulations;

e) Failure to provide equipment and devices (such as fans, sieves, magnets, etc.) used for controlling foreign matters (e.g. sand, dust or metals) that may affect quality of feed ingredients;

g) Failure to staff the facilities manufacturing animal feeds that contain antibiotics and are used for livestock and poultry disease prevention and treatment purposes by veterinary physicians holding practicing certificates in animal disease prevent and treatment in accordance with applicable laws and regulations on animal health.

3. A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed for running animal and aqua feed manufacturing and processing sites placed in the vicinity of areas which are affected by polluting factors such as hazardous wastes, chemicals, livestock and aquatic animal farms.

4. A fine ranging from VND 10,000,000 to VND 15,000,000 shall be imposed for committing one of the following violations against requirements concerning a production plant and equipment:

a) Failure to failure to design and furnish the production site with equipment items according to the single-direction rules or failure to keep raw material areas and product areas separate in order to prevent cross-contamination;

b) Failure to have warehouse or storage facility to store animal and aqua feed ingredients that require a particular storage mechanism in uniformity with specific feed manufacturer's instructions;

c) A facility manufacturing and processing animal feeds containing antibiotics fails to set up a separate area for mixing, preparation and formulation of these products.

5. Additional penalties:

Suspend operations of violating manufacturing and processing facilities for a fixed period of 01 – 03 months if the violation prescribed in Clause 3 of this Article is committed.

Article 7. Violations against regulations on quality of animal and aqua feeds in the course of manufacturing and processing

1. A warning shall be imposed for manufacturing and processing animal and aqua feed products in which the content of a specific quality indicator is found to be lower than the minimum level or higher than the maximum one fixed in announced applicable standards or on their labels by less than 5%, or in which the content of a specific safety indicator is found to exceed the permissible level fixed in relative technical regulations or announced applicable standards by less than 5%.

2. A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed for failure to retain testing samples or testing results according to the quality control process.

3. A fine ranging from VND 10,000,000 to VND 15,000,000 shall be imposed for failure to adopt the due process for manufacturing and control of quality of products; failure to write and keep a logbook of the production process as prescribed.

4. The following fines shall be imposed for manufacturing and processing each animal and aqua feed product which has not been approved for sale in Vietnam:

a) A fine ranging from VND 15,000,000 to VND 20,000,000 shall be imposed if the batch of products is worth less than VND 200,000,000 in total or total amount of illegal benefits received is less than VND 100,000,000;

b) A fine ranging from VND 20,000,000 to VND 40,000,000 shall be imposed if the batch of products is worth VND 200,000,000 and above or total amount of illegal benefits received is VND 100,000,000 and above, and there is a decision not to institute criminal proceedings, a decision on annulment of the decision to institute criminal proceeds, a decision to terminate investigation or a decision to dismiss lawsuit issued by the presiding agency when finding signs of administrative violations.

5. A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed for manufacturing and processing animal and aqua feed products in which the content of a specific quality indicator other than the main ingredient is found to be lower than the minimum level or higher than the maximum one fixed in the announced applicable standards or on their labels by 5% to less than 15%.

6. A fine ranging from VND 10,000,000 to VND 15,000,000 shall be imposed for manufacturing and processing animal and aqua feed products in which the content of a specific quality indicator other than the main ingredient is found to be lower than the minimum level or higher than the maximum one fixed in the announced applicable standards or on their labels by 15% to less than 30%.

7. A fine ranging from VND 15,000,000 to VND 20,000,000 shall be imposed for manufacturing and processing animal and aqua feed products in which the content of a specific quality indicator other than the main ingredient is found to be lower than the minimum level or higher than the maximum one fixed in the announced applicable standards or on their labels by 30% and above.

8. A fine ranging from VND 20,000,000 to VND 25,000,000 shall be imposed for manufacturing and processing each animal and aqua feed product in which:

a) the level of a harmful microorganism exceeds the maximum level fixed in relative national technical regulations or announced applicable standards; or

b) the content of an undesirable substance is found to be higher than the maximum level fixed in relative national technical regulations or announced applicable standards by 5% and above.

9. A fine ranging from VND 10,000,000 to VND 15,000,000 shall be imposed for manufacturing and processing animal and aqua feed products in which the content of a main ingredient is found to be lower than the minimum level or higher than the maximum one fixed in the announced applicable standards or on their labels by 5% to less than 10%.

10. A fine ranging from VND 15,000,000 to VND 20,000,000 shall be imposed for manufacturing and processing animal and aqua feed products in which the content of a main ingredient is found to be lower than the minimum level or higher than the maximum one fixed in the announced applicable standards or on their labels by 10% to less than 20%.

11. A fine ranging from VND 20,000,000 to VND 25,000,000 shall be imposed for manufacturing and processing animal and aqua feed products in which the content of a main ingredient is found to be lower than the minimum level or higher than the maximum one fixed in the announced applicable standards or on their labels by 20% to less than 30%.

12. A fine ranging from VND 25,000,000 to VND 30,000,000 shall be imposed for manufacturing and processing animal and aqua feed products in which the content of a main ingredient is found to be lower than the minimum level or higher than the maximum one fixed in the announced applicable standards or on their labels by 30% and above.

13. A fine ranging from VND 30,000,000 to VND 35,000,000 shall be imposed for keeping manufacturing and processing of animal and aqua feed products during the period of suspension imposed by a competent authority.

14. Remedial measures:

a) With regard to the commitment of one of the violations prescribed in Clause 5, Clause 6, Clause 7, Clause 8, Clause 9, Clause 10, Clause 11 and Clause 12 of this Article: Enforced recycling of the batch of products. The batch of products that cannot be recycled shall be repurposed. The batch of products that cannot be repurposed shall be destroyed;

b) With regard to the commitment of the violation prescribed in Clause 4 or Clause 13 of this Article: Enforced repurposing of the batch of products if it meets requirements concerning the new purpose. The batch of products that cannot be repurposed shall be destroyed.

Article 8. Violations against eligibility requirements applied to facilities trading and importing animal and aqua feeds

1. A fine ranging from VND 2,000,000 to VND 3,000,000 shall be imposed for committing one of the following violations against eligibility requirements applied to facilities trading animal and aqua feeds:

a) Failure to have equipment and instruments to preserve animal and aqua feeds under the instructions of manufacturers or distributors;

b) Failure to adopt solutions for avoiding rodent, bird and other harmful animal infestation.

2. A fine ranging from VND 3,000,000 to VND 5,000,000 shall be imposed upon a facility trading in animal and aqua feeds for failure to store or keep animal and aqua feeds separate from pesticides, fertilizers and other hazardous chemicals.

3. A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed upon a facility importing animal and aqua feeds for failure to have or rent storage facilities for preservation of animal and aqua feed products which conform to storage requirements in order to ensure that these products meet requirements concerning quality standards, environmental protection and conform to recommendations given by manufacturers.

Article 9. Violations against regulations on quality of animal and aqua feeds in the course of trading

1. A warning shall be imposed for trading animal and aqua feed products in which the content of a specific quality indicator is found to be lower than the minimum level or higher than the maximum one fixed in announced applicable standards or on their labels by less than 5%, or in which the content of a specific safety indicator is found to exceed the permissible level fixed in relative technical regulations or announced applicable standards by less than 5%.

2. The following fines shall be imposed for trading each animal and aqua feed product which has not been approved for sale in Vietnam:

a) A fine ranging from VND 10,000,000 to VND 15,000,000 shall be imposed if the batch of products is worth less than VND 200,000,000 in total or total amount of illegal benefits received is less than VND 100,000,000;

b) A fine ranging from VND 15,000,000 to VND 30,000,000 shall be imposed if the batch of products is worth VND 200,000,000 and above, or total amount of illegal benefits received is VND 100,000,000 and above, and there is a decision not to institute criminal proceedings, a decision on annulment of the decision to institute criminal proceeds, a decision to terminate investigation or a decision to dismiss lawsuit issued by the presiding agency when finding signs of administrative violations.

3. A fine ranging from VND 3,000,000 to VND 5,000,000 shall be imposed for trading animal and aqua feed products in which the content of a specific quality indicator other than the main ingredient is found to be lower than the minimum level or higher than the maximum one fixed in the announced applicable standards, or on their labels, by 5% to less than 15%.

4. A fine ranging from VND 5,000,000 to VND 7,000,000 shall be imposed for trading animal and aqua feed products in which the content of a specific quality indicator other than the main ingredient is found to be lower than the minimum level or higher than the maximum one fixed in the announced applicable standards, or on their labels, by 15% to less than 30%.

5. A fine ranging from VND 7,000,000 to VND 10,000,000 shall be imposed for trading animal and aqua feed products in which the content of a specific quality indicator other than the main ingredient is found to be lower than the minimum level or higher than the maximum one fixed in the announced applicable standards, or on their labels, by 30% and above.

6. A fine ranging from VND 15,000,000 to VND 20,000,000 shall be imposed for trading each animal and aqua feed product in which:

a) the level of a harmful microorganism exceeds the permissible level specified in relative national technical regulations or announced applicable standards; or

b) the content of an undesirable substance is found to be higher than the maximum level fixed in relative national technical regulations or announced applicable standards by 5% and above.

7. A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed for trading animal and aqua feed products in which the content of a main ingredient is found to be lower than the minimum level or higher than the maximum one fixed in the announced applicable standards, or on their labels, by 5% to less than 10%.

8. A fine ranging from VND 10,000,000 to VND 15,000,000 shall be imposed for trading animal and aqua feed products in which the content of a main ingredient is found to be lower than the minimum level or higher than the maximum one fixed in the announced applicable standards, or on their labels, by 10% to less than 20%.

9. A fine ranging from VND 15,000,000 to VND 20,000,000 shall be imposed for trading animal and aqua feed products in which the content of a main ingredient is found to be lower than the minimum level or higher than the maximum one fixed in the announced applicable standards, or on their labels, by 20% to less than 30%.

10. A fine ranging from VND 20,000,000 to VND 25,000,000 shall be imposed for trading animal and aqua feed products in which the content of a main ingredient is found to be lower than the minimum level or higher than the maximum one fixed in the announced applicable standards, or on their labels, by 30% and above.

11. Remedial measures:

a) With regard to the commitment of one of the violations prescribed in Clause 3, Clause 4, Clause 5, Clause 6, Clause 7, Clause 8, Clause 9 and Clause 10 of this Article: Enforced recall and recycling of the batch of products. The batch of products that cannot be recycled shall be repurposed. The batch of products that cannot be recycled and repurposed shall be destroyed;

b) With regard to the commitment of the violation prescribed in Clause 2 of this Article: Enforced recall and repurposing of the batch of products. The batch of products that cannot be repurposed shall be destroyed.

Article 10. Violations against regulations on quality of animal and aqua feeds in the course of importing

1. A warning shall be imposed for importing animal and aqua feed products in which the content of a specific quality indicator is found to be lower than the minimum level or higher than the maximum one fixed in the announced applicable standards, or on their labels, by less than 5%, or in which the content of a specific safety indicator exceeds the permissible level fixed in relative technical regulations, or announced applicable standards, by less than 5%.

2. A fine ranging from VND 15,000,000 to VND 20,000,000 shall be imposed for importing each animal and aqua feed product in which the content of a specific quality indicator other than the main ingredient is found to be lower than the minimum level or higher than the maximum one fixed in the announced applicable standards, or on their labels, by 5% to less than 30%.

3. A fine ranging from VND 20,000,000 to VND 25,000,000 shall be imposed for importing each animal and aqua feed product in which the content of a specific quality indicator other than the main ingredient is found to be lower than the minimum level or higher than the maximum one fixed in the announced applicable standards, or on their labels, by 30% and above.

4. A fine ranging from VND 20,000,000 to VND 25,000,000 shall be imposed for importing each animal and aqua feed product in which the content of a main ingredient is found to be lower than the minimum level or higher than the maximum one fixed in the announced applicable standards, or on their labels, by 5% to less than 30%.

5. A fine ranging from VND 25,000,000 to VND 30,000,000 shall be imposed for importing each animal and aqua feed product in which the content of a main ingredient is found to be lower than the minimum level or higher than the maximum one fixed in the announced applicable standards, or on their labels, by 30% and above.

6. A fine ranging from VND 25,000,000 to VND 30,000,000 shall be imposed for importing each animal and aqua feed product in which:

a) the level of a microorganism exceeds the permissible level specified in relative national technical regulations or announced applicable standards; or

b) the content of a specific safety indicator exceeds the permissible level fixed in relative technical regulations, or announced applicable standards, by 5% to less than 30%.

7. A fine ranging from VND 30,000,000 to VND 35,000,000 shall be imposed for importing each animal and aqua feed product in which the content of a specific safety indicator exceeds the maximum permitted level fixed in relative technical regulations, or announced applicable standards, by 30% and above.

8. A fine ranging from VND 10,000,000 to VND 15,000,000 shall be imposed for committing one of the following violations:

a) Importing each animal and aqua feed product which has not yet been approved for sale in Vietnam (unless imported animal and aqua feeds are used in exhibitions, trade fairs, researches, as samples at testing laboratories, or used for manufacturing and processing of exported feed products);

b) Importing each expired animal and aqua feed product.

9. Remedial measures:

a) Enforced correction of information on labels or accompanied technical documents of the entire batch of animal and aqua feed products if the violation prescribed in Clause 2 or Clause 4 of this Article is committed;

b) Enforced recycling of the entire batch of products in order to ensure that these products conform to relative technical regulations or meet requirements concerning quality standards announced if one of the

violations prescribed in Clause 3, Clause 5 and Clause 6 of this Article is committed. The batch of products that cannot be recycled shall be repurposed. The batch of products that cannot be recycled and repurposed shall be re-exported or destroyed;

c) Enforced repurposing of the batch of products if the violation prescribed in Clause 7 of this Article is committed. The batch of products that cannot be repurposed shall be re-exported or destroyed;

d) Enforced re-exporting or destruction of the entire batch of products if the violation prescribed in Clause 8 of this Article is committed.

Article 11. Violations against regulations on expiry date of animal and aqua feed products

1. A warning or a fine ranging from VND 200,000 to VND 400,000 shall be imposed for trading each animal and aqua feed product after the expiry date written on its label or package provided that the product is worth less than VND 1,000,000.

2. A fine ranging from VND 400,000 to VND 600,000 shall be imposed for trading each animal and aqua feed product after the expiry date written on its label or package provided that the product is worth VND 1,000,000 – VND 2,000,000.

3. A fine ranging from VND 600,000 to VND 1,000,000 shall be imposed for trading each animal and aqua feed product after the expiry date written on its label or package provided that the product is worth VND 2,000,000 – VND 3,000,000.

4. A fine ranging from VND 1,000,000 to VND 2,000,000 shall be imposed for trading each animal and aqua feed product after the expiry date written on its label or package provided that the product is worth VND 3,000,000 – VND 5,000,000.

5. A fine ranging from VND 2,000,000 to VND 3,000,000 shall be imposed for trading each animal and aqua feed product after the expiry date written on its label or package provided that the product is worth VND 5,000,000 – VND 10,000,000.

6. A fine ranging from VND 3,000,000 to VND 5,000,000 shall be imposed for trading each animal and aqua feed product after the expiry date written on its label or package provided that the product is worth VND 10,000,000 – VND 20,000,000,

7. A fine ranging from VND 5,000,000 to VND 7,000,000 shall be imposed for trading each animal and aqua feed product after the expiry date written on its label or package provided that the product is worth VND 20,000,000 – VND 30,000,000,

8. A fine ranging from VND 7,000,000 to VND 10,000,000 shall be imposed for trading each animal and aqua feed product after the expiry date written on its label or package provided that the product is worth VND 30,000,000 – VND 40,000,000,

9. A fine ranging from VND 10,000,000 to VND 15,000,000 shall be imposed for trading each animal and aqua feed product after the expiry date written on its label or package provided that the product is worth VND 40,000,000 – VND 50,000,000,

10. A fine ranging from VND 15,000,000 to VND 20,000,000 shall be imposed for trading each animal and aqua feed product after the expiry date written on its label or package provided that the product is worth VND 50,000,000 – VND 70,000,000,

11. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for trading each animal and aqua feed product after the expiry date written on its label or package provided that the product is worth VND 70,000,000 – VND 100,000,000,

12. A fine ranging from VND 30,000,000 to VND 40,000,000 shall be imposed for trading each animal and aqua feed product after the expiry date written on its label or package provided that the product is worth VND 100,000,000 and above.

13. A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed for failure to write or incorrectly write the manufacturing date on product’s label or package when manufacturing, processing or trading animal and aqua feed products.

14. A fine ranging from VND 10,000,000 to VND 15,000,000 shall be imposed for using each expired animal feed ingredient, or each expired animal fee product in course of manufacturing or processing.

15. Remedial measures:

a) With regard to the commitment of one of the violations prescribed in Clause 4, Clause 5, Clause 6, Clause 7, Clause 8, Clause 9, Clause 10, Clause 11 and Clause 12 of this Article: Enforced recall and repurposing of the batch of products. The batch of products that cannot be repurposed shall be destroyed;

b) With regard to the commitment of the violation prescribed in Clause 14 of this Article: Enforced repurposing of products if they meet requirements concerning the new purpose. In case products cannot be repurposed, all expired ingredients and the batch of products made of expired ingredients must be destroyed.

Article 12. Violations against regulations on experiments with animal and aqua feeds

1. The following fines shall be imposed for committing one of the following violations against regulations on experiments with animal and aqua feeds:

a) A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed upon the facility experimenting with animal and aqua feeds for failure to employ technicians who must obtain appropriate qualifications or failure to retain the documentation on experiments with animal and aqua feeds as prescribed;

b) A fine ranging from VND 10,000,000 to VND 15,000,000 shall be imposed upon the facility experimenting with animal and aqua feeds for failure to have or rent locations, infrastructure or dedicated equipment necessary to meet requirements concerning experiments with specific feeds on animals; the facility experimenting with animal feeds for failure to have enclosures appropriate for experimental purposes; the facility experimenting with aqua feeds for failure to have cages, ponds, pens, rafts and pools appropriate for experimental purposes; the facility experimenting with aqua feeds for failure to have enough water sources meeting the quality requirements, or failure to have a separate water supply and drainage system, or failure to have a wastewater pond to facilitate inspection of environmental indicators and aquatic disease indicators.

2. A fine ranging from VND 15,000,000 to VND 20,000,000 shall be imposed upon the experiment facility for failure to comply with the procedures, contents or outline of experiment approved by a competent authority.

3. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for incorrectly announcing results of experiments with animal and aqua feeds.

4. Additional penalties:

Suspend experimental activities for a fixed period of 01 – 03 months if the violation prescribed in Point b Clause 1 of this Article is committed.

5. Remedial measures:

Enforced invalidation of results of experiments with animal and aqua feeds if one of the violations prescribed in Point b Clause 1, Clause 2 and Clause 3 of this Article is committed.

Article 13. Violations against regulations on manufacturing, processing, trading, importing and consumption of animal and aqua feeds containing antibiotics

1. A warning shall be imposed for failure to keep a logbook that records usage of animal feeds containing antibiotics for the purpose of animal disease prevention and treatment.

2. A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for committing one of the following violations:

a) Manufacturing, processing, trading or importing of animal feeds containing antibiotics but failing to clearly specify names, antibiotic contents, user's manuals and administration duration on packages or attached documents of animal feeds;

b) Manufacturing, processing, trading or importing of animal feeds of which antibiotic content is higher than the maximum permissible content or the one written on labels by 5% and above;

c) Trading in each aqua feed product containing antibiotics.

3. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for committing one of the following violations:

a) Antibiotics used in animal feeds manufactured, processed, traded or imported for the purpose of curing livestock and poultry diseases and preventing immature livestock and poultry diseases are not the ones approved for sale in Vietnam;

b) Manufacturing, processing, trading or importing animal feeds containing antibiotics for the purpose of curing livestock and poultry diseases and preventing immature livestock and poultry diseases but failing to comply with the prescriptions given by veterinary physicians who are granted practicing certificates in animal disease prevention and treatment in accordance with applicable laws and regulations on animal health.

c) Manufacturing, processing, trading or importing each animal feed product containing antibiotics that are not suitable for specific animals or purposes, or beyond their permitted useful life resulting in that residues of antibiotics contained in the animal feed product exceeds the allowed limits and causes adverse effects on resistance against antibiotics in the process of treatment of human and animal diseases;

d) Manufacturing, processing, trading or importing each animal feed product that contains more than 02 types of antibiotics;

dd) Manufacturing, processing or importing aqua feeds containing antibiotics.

4. Remedial measures:

a) Enforced reprocessing of animal feeds to ensure that their antibiotic contents are conformable with the maximum permissible contents or the ones written on labels if the violation prescribed in Point b Clause 2 of this Article is committed;

b) Enforced re-exporting or destruction of all animal and aqua feeds if one of the violations prescribed in Point a, Point c Clause 2, and Clause 3 of this Article is committed.

Article 14. Violations against regulations on use of prohibited substances in animal farming and aquaculture; in manufacturing, processing, trading and importing of animal and aqua feeds

1. The following fines shall be imposed for committing violations against regulations on use of prohibited substances:

a) A fine ranging from VND 50,000,000 to VND 60,000,000 shall be imposed for using each prohibited substance in animal farming or aquaculture at a degree that the violating entity is not liable to a criminal prosecution;

b) A fine ranging from VND 60,000,000 to VND 90,000,000 shall be imposed for using each prohibited substance in manufacturing, processing, trading or importing animal and aqua feeds if the batch of products is worth less than VND 100,000,000 or total amount of illegal benefits received is less than VND 50,000,000;

c) A fine ranging from VND 70,000,000 to VND 80,000,000 shall be imposed for using each prohibited substance in animal framing or aquaculture at a degree that the violating entity is liable to a criminal prosecution but there is a decision not to institute criminal proceedings, a decision on annulment of the decision to institute criminal proceeds, a decision to terminate investigation or a decision to dismiss lawsuit issued by the presiding agency when finding signs of administrative violations;

d) A fine ranging from VND 90,000,000 to VND 100,000,000 shall be imposed for using each prohibited substance in manufacturing, processing, trading or exporting of animal or aqua feeds if the batch of products is worth VND 100,000,000 and above, or total amount of illegal benefits received is VND 50,000,000 and above, and there is a decision not to institute criminal proceedings, a decision on annulment of the decision to institute criminal proceeds, a decision to terminate investigation or a decision to dismiss the lawsuit issued by the presiding agency when finding signs of administrative violations.

2. Additional penalties:

Suspend the manufacturing, processing, trading or importing of animal and aqua feeds for a fixed period of 06 – 12 months if the violation prescribed in Point b, or Point d Clause 1 of this Article is committed.

3. Remedial measures:

a) Enforced destruction of prohibited substances and animal and aqua feeds containing prohibited substances if one of the violations prescribed in Clause 1 of this Article is committed;

b) Enforced raising of animals or aquatic animals which have been fed with prohibited substances until testing report indicates that no prohibited substance residue exists if the violation prescribed in Point a or Point c Clause 1 of this Article is committed; Enforced destruction of animals or aquatic animals if the violation is re-committed or animals or aquatic animals cannot be raised.

Section 2. LIVESTOCK BREEDS

Article 15. Violations against regulations on management and conservation of animal genetic resources in sanctuaries

1. A fine ranging from VND 10,000,000 to VND 15,000,000 shall be imposed for obtaining or using animal genetic resources in a sanctuary in excess of the limits permitted by a competent authority.

2. A fine ranging from VND 20,000,000 to VND 25,000,000 shall be imposed for obtaining or using animal genetic resources in a sanctuary without permission from a competent authority.

3. A fine ranging from VND 25,000,000 to VND 30,000,000 shall be imposed for destroying animal genetic resources in a sanctuary.

4. Additional penalties:

Confiscate the exhibits and instrumentalities of administrative violations prescribed in Clause 1, Clause 2 and Clause 3 of this Article.

Article 16. Violations against regulations on use and conservation of genetic resources of rare breeds

1. A fine ranging from VND 3,000,000 to VND 5,000,000 shall be imposed for obtaining or using genetic resources of rare breeds in excess of the limits permitted by a competent authority.

2. A fine ranging from VND 5,000,000 to VND 7,000,000 shall be imposed for committing violations against one of provisions of the national technical regulation on attainment or use of genetic resources of rare breeds.

3. A fine ranging from VND 10,000,000 to VND 15,000,000 shall be imposed for destroying genetic resources of rare breeds.

4. Additional penalties:

Confiscate the exhibits of administrative violations prescribed in Clause 1, Clause 2 and Clause 3 of this Article.

Article 17. Violations against regulations on international exchange of genetic resources of rare breeds

1. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for carrying out the international exchange of genetic resources of rare breeds inconsistently with the permit granted by a competent authority.

2. A fine ranging from VND 40,000,000 to VND 50,000,000 shall be imposed for carrying out the international exchange of genetic resources of rare breeds without obtaining the permit from a competent authority.

3. Additional penalties:

Confiscate the exhibits of administrative violations prescribed in Clause 1 and Clause 2 of this Article.

Article 18. Violations on regulations on testing and appraisal of new livestock breeds

1. A fine ranging from VND 3,000,000 to VND 5,000,000 shall be imposed for carrying out testing or appraisal of new livestock breeds but failing to satisfy technical infrastructure or personnel requirements.

2. A fine ranging from VND 10,000,000 to VND 15,000,000 shall be imposed for failure to comply with the testing and appraising procedures, contents or outline approved by a competent authority.

3. A fine ranging from VND 30,000,000 to VND 40,000,000 shall be imposed for incorrectly announcing testing and appraising results.

4. Additional penalties:

Suspend operations of the testing and appraisal facility for a fixed period of 01 – 03 months if the violation prescribed in Clause 3 of this Article is committed.

5. Remedial measures:

Enforced correction of testing and appraising results if the violation prescribed in Clause 3 of this Article is committed.

Article 19. Violations against regulations on production and trading of livestock breeds

1. A fine ranging from VND 1,000,000 to VND 3,000,000 shall be imposed for production or trading of livestock breeds but failure to satisfy infrastructure and equipment requirements thereof.

2. A fine ranging from VND 3,000,000 to VND 5,000,000 shall be imposed for failure to retain and update records concerning livestock breeds produced or traded.

3. A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed for failure to hire technicians who must obtain bachelor's degree in animal husbandry, veterinary medicine or aquaculture when producing or trading purebreds, GGP, GP and PS breeds.

4. A fine ranging from VND 30,000,000 to VND 40,000,000 shall be imposed for production or trading of livestock breeds of which testing results are not recognized.

5. A fine ranging from VND 40,000,000 to VND 50,000,000 shall be imposed for production or trading of livestock breeds which are not in the list of livestock breeds taken to be suitable for production and trading, or production or trading of livestock breeds without permission from a competent authority, if the batch of products is worth less than VND 200,000,000 or total amount of illegal benefits received is less than VND 100,000,000.

6. Additional penalties:

Suspend production or trading for a fixed period of 01 – 03 months if one of the violations prescribed in Clause 4 and Clause 5 of this Article is committed.

7. Remedial measures:

Enforced destruction or slaughter of livestock breeds if the violation prescribed in Clause 5 of this Article is committed.

Article 20. Violations against regulations on production and trading of semen, embryos, eggs and larvae

1. A fine ranging from VND 3,000,000 to VND 5,000,000 shall be imposed for failure to hire technicians who must obtain diplomas or certificates in artificial insemination or embryo transfer when producing or trading semen, embryos, eggs (excluding poultry eggs, soil worm eggs and aquatic breeds) and larvae.

2. A fine ranging from VND 6,000,000 to VND 8,000,000 shall be imposed for production or trading of semen, embryos, eggs and larvae but failure to satisfy infrastructure and equipment requirements thereof.

3. A fine ranging from VND 10,000,000 to VND 15,000,000 shall be imposed for committing one of the following violations:

a) Collecting semen from breeding animals of which individual productivity is not yet appraised;

b) Collecting eggs and larvae from breeding animals other than purebreds, GGP, GP and PS, except eggs and larvae collected naturally;

c) Failure to retain and update records of animal breeds when producing or trading semen, embryos, eggs and larvae.

4. Remedial measures:

Enforced destruction of semen, eggs and larvae if the violation prescribed in Point a or Point b Clause 3 of this Article is committed.

Article 21. Violations against regulations on import of livestock breeds

1. A fine ranging from VND 10,000,000 to VND 15,000,000 shall be imposed for importing livestock breeds of a grade or species other than the ones announced.

2. A fine ranging from VND 40,000,000 to VND 50,000,000 shall be imposed for importing of livestock breeds which are not in the list of livestock breeds and aquatic breeds taken to be suitable for production and trading in Vietnam, or importing of livestock breeds without permission from a competent authority, if the shipment is worth less than VND 200,000,000 or total amount of illegal benefits received is less than VND 100,000,000.

3. Remedial measures:

Enforced re-exporting or slaughter, preparation and processing or destruction of livestock breeds and aquatic breeds if the violation prescribed in Clause 1 or Clause 2 of this Article is committed.

Article 22. Violations against regulations on quality of livestock breeds

1. A fine ranging from VND 3,000,000 to VND 5,000,000 shall be imposed for having the value of a technical - economic norm lower than the standard values announced if the shipment is worth less than VND 50,000,000.

2. A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed for having the value of a technical - economic norm lower than the standard values announced if the shipment is worth VND 50,000,000 and above.

3. Remedial measures:

Enforced repurposing of livestock breeds if the violation prescribed in Clause 1 or Clause 2 of this Article is committed.

Article 23. Other violations against regulations on production and trading of aquatic breeds

1. A fine ranging from VND 3,000,000 to VND 4,000,000 shall be imposed for committing one of the following violations:

a) Failure to employ qualified technicians or employment of technicians who do not obtain an appropriate certificate of training to take charge of cultivating or raising aquatic breeds;

b) Failure to present documents proving the transport of aquatic breeds for cultivation or raising purposes when transporting aquatic breeds that do not reach the standard size for commercial farming.

2. A fine ranging from VND 5,000,000 to VND 6,000,000 shall be imposed for committing one of the following violations:

a) Violations against regulations on the number of reproduction or use time or the permitted time to use key parental species into reproduction;

b) Failure to carry out testing for diseases before using key parental species for reproduction.

3. A fine ranging from VND 10,000,000 to VND 15,000,000 shall be imposed for committing one of the following violations:

a) Failure to employ technicians who must obtain appropriate qualifications or certificates to take charge of using parental species for reproduction or trading in parental species;

b) Failure to carry out quality inspection of imported aquatic breeds.

4. A fine ranging from VND 30,000,000 to VND 40,000,000 shall be imposed for committing one of the following violations:

a) The location for aquatic breed production and trading is not in the local planning area or is not approved by a competent authority;

b) Using parental species that fail to meet quality standards.

5. Remedial measures:

a) Enforced repurposing or destruction of aquatic breeds if the violation prescribed in Point b Clause 4 of this Article is committed;

b) Enforced relocation of aquatic breed production facility if the violation prescribed in Point a Clause 4 of this Article is committed.

Article 24. Violations against regulations on certificates, written approvals or licenses concerning livestock breeds

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

a) Let another person use professional certificate in livestock breeds;

b) Borrowing or renting the professional certificate in livestock breeds.

2. A fine ranging from VND 3,000,000 to VND 4,000,000 shall be imposed for deliberately falsifying one of the following documents:

a) The professional certificate in livestock breeds;

b) The license to import or export livestock breeds;

c) The decision to suspend testing and appraisal of livestock breeds.

3. Additional penalties:

Enforced confiscation of license, professional certificate or suspension decision if the violation prescribed in Clause 2 of this Article is committed.

Article 25. Violations against regulations on biosecurity in livestock farming

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

a) Failure to fulfill technical requirements for farms that adversely influences veterinary hygiene and breeding environment;

b) Commitment of violations against regulations on breeding procedures that adversely influences food quality;

c) Failure to carry out registration or declaration of breeding of livestock as prescribed.

2. Remedial measures:

Enforced implementation of necessary measures for treatment of environmental pollution if the violation prescribed in Point a Clause 1 of this Article is committed.

Chapter III

POWER TO RECORD ADMINISTRATIVE VIOLATIONS AND IMPOSE PENALTIES

Article 26. Power to record administrative violations

1. The persons having the power to impose administrative penalties mentioned in Articles 27, 28, 29, 30, 31, 32, 33 of this Decree shall have the power to record administrative violations within the ambit of assigned functions, tasks and power.

2. Officials, public employees and persons of people's army or people's security forces working at the agencies specified in Articles 27, 28, 29, 30, 31, 32, 33 herein shall have the power to record administrative violations when they are on duty and within the ambit of assigned functions, tasks and power in the fields of livestock breeds, animal and aqua feeds.

Article 27. Power of Chairpersons of people's committees

1. Chairpersons of commune-level people's committees shall have the power to:

a) Issue warning;

b) Impose a fine up to VND 5,000,000;

c) Confiscate the exhibits and instrumentalities for committing administrative violation which are worth less than the fine specified in Point b of this Clause;

d) Enforce the remedial measures mentioned in Point dd, Point i Clause 3 Article 4 of this Decree.

2. Chairpersons of District-level People's Committees shall have the power to:

a) Issue warning;

b) Impose a fine up to VND 25,000,000 for a violation against regulations on livestock breeds; or VND 50,000,000 for a violation against regulations on animal and aqua feeds;

c) Suspend operations for a fixed period;

d) Confiscate the exhibits and instrumentalities for committing administrative violation worth less than the fines specified in Point b of this Clause;

dd) Enforce the remedial measures mentioned in Points a, b, c, dd, e, g, h, i, k, l Clause 3 Article 4 of this Decree.

3. Chairpersons of Provincial-level People's Committees shall have the power to:

a) Issue warning;

b) Impose a fine up to VND 50,000,000 for a violation against regulations on livestock breeds; or VND 100,000,000 for a violation against regulations on animal and aqua feeds;

c) Suspend operations for a fixed period;

d) Confiscate the exhibits and instrumentalities of administrative violations;

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

Article 28. Power to impose penalties of inspectors

1. On-duty inspectors of agriculture and rural development sector and persons who are assigned to conduct specialized inspections of livestock farming, aquatic products, veterinary medicine, quality control of agricultural products, forest products and aquatic products shall have the power to:

a) Issue warning;

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

c) Confiscate the exhibits and instrumentalities for committing administrative violation which are worth less than the fine specified in Point b of this Clause;

d) Enforce the remedial measures mentioned in Point dd, Point i Clause 3 Article 4 of this Decree.

2. Chief Inspectors of Provincial Departments of Agriculture and Rural Development, Directors of Sub-departments performing the function of inspection of livestock farming, aquatic products, veterinary medicine, quality control of agricultural products, forest products and aquatic products; heads of specialized inspections teams of the Department of Livestock Production, Directorate of Fisheries, Department of Animal Health, the National Agro-Forestry-Fisheries Quality Assurance Department; heads of specialized inspections teams of Provincial Departments of Agriculture and Rural Development; heads of specialized inspections teams of Sub-departments performing the function of inspection of livestock farming, aquatic products, veterinary medicine, quality control of agricultural products, forest products and aquatic products shall have the power to:

a) Issue warning;

b) Impose a fine up to VND 25,000,000 for a violation against regulations on livestock breeds; or VND 50,000,000 for a violation against regulations on animal and aqua feeds;

c) Suspend operations for a fixed period;

d) Confiscate the exhibits and instrumentalities for committing administrative violation worth less than the fines specified in Point b of this Clause;

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

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

a) Issue warning;

b) Impose a fine up to VND 35,000,000 for a violation against regulations on livestock breeds; or VND 70,000,000 for a violation against regulations on animal and aqua feeds;

c) Suspend operations for a fixed period;

d) Confiscate the exhibits and instrumentalities for committing administrative violation worth less than the fines specified in Point b of this Clause;

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

4. The Chief Inspector of Ministry of Agriculture and Rural Development, Director General of Directorate of Fisheries, Director General of the Department of Livestock Production, Director General of Department of Animal Health, Director General of the National Agro-Forestry-Fisheries Quality Assurance Department (NAFIQAD) shall have the power to:

a) Issue warning;

b) Impose a fine up to VND 50,000,000 for a violation against regulations on livestock breeds; or VND 100,000,000 for a violation against regulations on animal and aqua feeds;

c) Suspend operations for a fixed period;

d) Confiscate the exhibits and instrumentalities of administrative violations;

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

Article 29. Power of People's public securities forces

1. Soldiers on duty of People's Public Security Forces shall have the power to:

a) Issue warning;

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

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

a) Issue warning;

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

3. Communal-level police chiefs, heads of public security stations, heads of public security stations at border gates or export processing zones shall have the power to:

a) Issue warning;

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

c) Confiscate the exhibits and instrumentalities for committing administrative violation which are worth less than the fine specified in Point b of this Clause;

d) Enforce the remedial measures mentioned in Point dd, Point i Clause 3 Article 4 of this Decree.

4. Heads of district-level police agencies; heads of divisions of the Traffic Police Department; heads of departments affiliated to provincial-level police agencies, including investigation police department on economic and corruption-related crimes, railway and road traffic police department, waterway traffic police department, environment crime prevention and fighting police department, economic security department and public order police department shall have the power to:

a) Issue warning;

b) Impose a fine up to VND 10,000,000 for a violation against regulations on livestock breeds; or VND 20,000,000 for a violation against regulations on animal and aqua feeds;

c) Suspend operations for a fixed period;

d) Confiscate the exhibits and instrumentalities for committing administrative violation worth less than the fines specified in Point b of this Clause;

dd) Enforce the remedial measures mentioned in Points b, c, dd, e, h, i, k Clause 3 Article 4 of this Decree.

5. Directors of Provincial-level Public Security Departments shall have the power to:

a) Issue warning;

b) Impose a fine up to VND 25,000,000 for a violation against regulations on livestock breeds; or VND 50,000,000 for a violation against regulations on animal and aqua feeds;

c) Suspend operations for a fixed period;

d) Confiscate the exhibits and instrumentalities for committing administrative violation worth less than the fines specified in Point b of this Clause;

dd) Enforce the remedial measures mentioned in Points b, c, dd, e, h, i, k Clause 3 Article 4 of this Decree.

6. Directors of the investigation police department on economic and corruption-related crimes, the traffic police department, the environment crime prevention and fighting police department, the general economic security department, the agriculture, forestry and aquaculture economic security department, and the public order police department shall have the power to:

a) Issue warning;

b) Impose a fine up to VND 50,000,000 for a violation against regulations on livestock breeds; or VND 100,000,000 for a violation against regulations on animal and aqua feeds;

c) Suspend operations for a fixed period;

d) Confiscate the exhibits and instrumentalities of administrative violations;

dd) Enforce the remedial measures mentioned in Points b, c, dd, e, h, i, k Clause 3 Article 4 of this Decree.

Article 30. Power of border guard forces

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

a) Issue warning;

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

2. Heads of border guard stations and leaders of soldiers of border guard forces shall have the power to:

a) Issue warning;

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

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

a) Issue warning;

b) Impose a fine up to VND 10,000,000 for a violation against regulations on livestock breeds; or VND 20,000,000 for a violation against regulations on animal and aqua feeds;

c) Confiscate the exhibits and instrumentalities for committing administrative violation which are worth less than the fine specified in Point b of this Clause;

d) Enforce the remedial measures mentioned in Points b, c, dd, e, h, i, k Clause 3 Article 4 of this Decree.

4. Commanders of provincial-level border guard forces and commanders of border guard fleets affiliated to Border Guard High Command shall have the power to:

a) Issue warning;

b) Impose a fine up to VND 50,000,000 for a violation against regulations on livestock breeds; or VND 100,000,000 for a violation against regulations on animal and aqua feeds;

c) Suspend operations for a fixed period;

d) Confiscate the exhibits and instrumentalities of administrative violations;

dd) Enforce the remedial measures mentioned in Points b, c, dd, e, h, i, k Clause 3 Article 4 of this Decree.

Article 31. Power of marine police forces

1. Police officers on duty of marine police forces shall have the power to:

a) Issue warning;

b) Impose a fine up to VND 1,000,000 for a violation against regulations on livestock breeds; or VND 1,500,000 for a violation against regulations on animal and aqua feeds.

2. Coastguard team leaders shall have the power to:

a) Issue warning;

b) Impose a fine up to VND 2,500,000 for a violation against regulations on livestock breeds; or VND 5,000,000 for a violation against regulations on animal and aqua feeds.

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

a) Issue warning;

b) Impose a fine up to VND 5,000,000 for a violation against regulations on livestock breeds; or VND 10,000,000 for a violation against regulations on animal and aqua feeds;

c) Enforce the remedial measures mentioned in Point dd, Point i Clause 3 Article 4 of this Decree.

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

a) Issue warning;

b) Impose a fine up to VND 10,000,000 for a violation against regulations on livestock breeds; or VND 20,000,000 for a violation against regulations on animal and aqua feeds;

c) Confiscate the exhibits and instrumentalities for committing administrative violation which are worth less than the fine specified in Point b of this Clause;

d) Enforce the remedial measures mentioned in Points b, c, d, dd, e, h, i, k Clause 3 Article 4 of this Decree.

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

a) Issue warning;

b) Impose a fine up to VND 15,000,000 for a violation against regulations on livestock breeds; or VND 30,000,000 for a violation against regulations on animal and aqua feeds;

c) Confiscate the exhibits and instrumentalities for committing administrative violation which are worth less than the fine specified in Point b of this Clause;

d) Enforce the remedial measures mentioned in Points b, c, d, dd, e, h, i, k Clause 3 Article 4 of this Decree.

6. Commanders of regional coastguard command centers shall have the power to:

a) Issue warning;

b) Impose a fine up to VND 25,000,000 for a violation against regulations on livestock breeds; or VND 50,000,000 for a violation against regulations on animal and aqua feeds;

c) Confiscate the exhibits and instrumentalities for committing administrative violation which are worth less than the fine specified in Point b of this Clause;

d) Enforce the remedial measures mentioned in Points b, c, d, dd, e, h, i, k Clause 3 Article 4 of this Decree.

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

a) Issue warning;

b) Impose a fine up to VND 50,000,000 for a violation against regulations on livestock breeds; or VND 100,000,000 for a violation against regulations on animal and aqua feeds;

c) Suspend operations for a fixed period;

d) Confiscate the exhibits and instrumentalities of administrative violations;

dd) Enforce the remedial measures mentioned in Points b, c, d, dd, e, h, i, k Clause 3 Article 4 of this Decree.

Article 32. Power of customs agencies

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

a) Issue warning;

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

2. Team leaders of customs branches and team leaders of post-clearance audit branches shall have the power to:

a) Issue warning;

b) Impose a fine up to VND 5,000,000.

3. Directors General of Customs Branches and Post-clearance Audit Branches, leaders of customs enforcement teams affiliated to provincial, inter-provincial or city Customs Departments, leaders of anti-smuggling and control teams, leaders of customs procedure teams, leaders of marine control squads and leaders of intellectual property protection and control teams, affiliated to Anti-smuggling and Investigation Department, Vietnam Customs, shall have the power to:

a) Issue warning;

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

c) Confiscate the exhibits and instrumentalities for committing administrative violation which are worth less than the fine specified in Point b of this Clause;

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

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

a) Issue warning;

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

c) Suspend operations for a fixed period;

d) Confiscate the exhibits and instrumentalities for committing administrative violation worth less than the fines specified in Point b of this Clause;

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

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

a) Issue warning;

b) Impose a fine up to VND 50,000,000 for a violation against regulations on livestock breeds; or VND 100,000,000 for a violation against regulations on animal and aqua feeds;

c) Confiscate the exhibits and instrumentalities of administrative violations;

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

Article 33. Power of market surveillance units

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

a) Issue warning;

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

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

a) Issue warning;

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

c) Confiscate the exhibits and instrumentalities for committing administrative violation which are worth less than the fine specified in Point b of this Clause;

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

3. Directors General of Market Surveillance Departments affiliated to Provincial Departments of Industry and Trade, and Heads of Anti-smuggling Division, Anti-Counterfeiting Division, and Goods Quality Control Division, affiliated to the Market Surveillance Agency, shall have the power to:

a) Issue warning;

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

c) Suspend operations for a fixed period;

d) Confiscate the exhibits and instrumentalities for committing administrative violation worth less than the fines specified in Point b of this Clause;

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

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

a) Issue warning;

b) Impose a fine up to VND 50,000,000 for a violation against regulations on livestock breeds; or VND 100,000,000 for a violation against regulations on animal and aqua feeds;

c) Suspend operations for a fixed period;

d) Confiscate the exhibits and instrumentalities of administrative violations;

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

Article 34. Determination of power to impose penalties chairpersons of people's committees of all levels, inspectorates, customs agencies, market surveillance units, people's public security forces, border guard forces and marine police forces

1. Chairpersons of people's committees of all levels have the power to impose administrative penalties, impose additional penalties and enforce remedial measures against administrative violations specified herein within their competence prescribed in Article 27 herein and within the ambit of assigned functions, duties and powers.

2. Authorized officers of inspectorates have the power to impose administrative penalties, impose additional penalties and enforce remedial measures against administrative violations specified herein within their competence prescribed in Article 28 herein and within the ambit of assigned functions, duties and powers.

3. Authorized officers of people's public security forces have the power to impose administrative penalties, impose additional penalties and enforce remedial measures against administrative violations specified herein within their competence prescribed in Article 29 herein and within the ambit of assigned functions, duties and powers.

4. Authorized officers of customs agencies have the power to impose penalties for administrative violations, impose additional penalties and enforce remedial measures for administrative violations against regulations on livestock breeds, animal and aqua feeds mentioned in Clause 8 Article 10 and Clause 2 Article 21 of this Decree within the ambit of assigned functions, tasks and power.

5. Authorized officers of market surveillance units have the power to impose penalties for administrative violations, impose additional penalties and enforce remedial measures for administrative violations against regulations on livestock breeds, animal and aqua feeds mentioned in Article 8, Clause 2 Article 9, Clause 8 Article 10, Clauses 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 Article 11, Article 17 and Article 21 of this Decree within the ambit of assigned functions, tasks and power.

6. Authorized officers of border guard forces and marine police forces have the power to impose penalties for administrative violations, impose additional penalties and enforce remedial measures for administrative violations against regulations on livestock breeds, animal and aqua feeds mentioned in Clause 8 Article 10, Clauses 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 Article 11, and Article 21 of this Decree within the ambit of assigned functions, tasks and power.

Chapter IV

IMPLEMENTATION PROVISIONS

Article 35. Entry into force

1. This Decree comes into force from June 22, 2018.

2. This Decree supersedes the following documents:

a) The Government's Decree No. 119/2013/ND-CP dated October 09, 2013;
b) Regulations on penalties for administrative violations against regulations on livestock breeds, animal and aqua feeds in the Government's Decree No. 41/2017/ND-CP dated April 05, 2017.

Article 36. Transition

1. The administrative violations against regulations on livestock breeds, animal and aqua feeds which have been properly recorded before the date of entry into force of this Decree shall be sanctioned in accordance with regulations in the Government's Decree No. 119/2013/ND-CP dated October 09, 2013 and the Government's Decree No. 41/2017/ND-CP dated April 05, 2017. In case this Decree provides for a mitigating penalties for such administrative violations, this Decree shall apply.

2. The administrative violations against regulations on livestock breeds, animal and aqua feeds which are committed or discovered before the date of entry into force of this Decree but are not duly recorded shall be sanctioned in accordance with regulations of this Decree.

Article 37. Responsibility for implementation

1. Minister of Agriculture and Rural Development shall instruct and organize the implementation of this Decree.

2. Ministers, heads of ministerial-level agencies, heads of the Government's affiliates, Chairpersons of People's Committees of Central-affiliated Cities or Provinces shall be responsible for implementing this Decree.

ON BEHALF OF THE GOVERNMENT
PRIME MINISTER

Nguyen Xuan Phuc