

THE GOVERNMENT

SOCIALIST REPUBLIC OF VIETNAM

Independence - Freedom - Happiness

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Hanoi, June 01, 2016

DECREE

PENALTIES FOR ADMINISTRATIVE VIOLATIONS AGAINST REGULATIONS ON PLANNING AND INVESTMENT

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 Law on Public Investment dated June 18, 2014;

Pursuant to the Law on Enterprises dated November 26, 2014;

Pursuant to the Law on Investment dated November 26, 2014;

Pursuant to the Law on Bidding dated November 26, 2013;

Pursuant to the Law on Construction dated June 18, 2014;

Pursuant to the Law on Cooperatives dated November 20, 2012;

At the request of the Minister of Planning and Investment;

The Government promulgates a Decree on penalties for administrative violations against regulations on planning and investment.

Chapter I

GENERAL PROVISIONS

Article 1. Scope

1. This Decree provides for administrative violations, penalties, fine levels, remedial measures, the power to issue records on administrative violations, the power to impose penalties for violations against regulations on planning and investment.
2. Administrative violations against regulations on planning and investment specified in this Decree include:

- a) Violations against regulations on management and use of public capital;
- b) Violations against regulations on domestic investment and outward investment;
- c) Violations against regulations on bidding management;
- d) Violations against regulations on business registration of enterprises, business households, cooperatives, and cooperative associations.

3. Relevant Decrees on penalties for administrative violations shall apply to other administrative violations against regulations on planning and investment that are not specified in this Decree.

Article 2. Entities incurring penalties

Vietnamese and foreign organizations and individuals that commit administrative violations against regulations on planning and investment shall incur penalties.

Article 3. Penalties and remedial measures

1. An organization or individual shall incur one of the following penalties as the primary penalty for each administrative violation committed:

- a) Warning;
- b) Fine.

2. Depending on the nature and severity of the violation, the violator shall have to implement remedial measures specified in Chapter II of this Decree.

Article 4. Fines

The fines for administrative violations specified in Chapter II of this Decree are imposed upon organizations, except for the fines for violations specified in Article 41, Article 42, Article 43, and Article 44 of this Decree, which are imposed upon individuals. For the same violation, the fine incurred by an individual is half (1/2) that incurred by an organization.

Chapter II

ADMINISTRATIVE VIOLATIONS, PENALTIES AND REMEDIAL MEASURES

Section 1. ADMINISTRATIVE VIOLATIONS AGAINST REGULATIONS ON MANAGEMENT AND USE OF PUBLIC CAPITAL, PENALTIES AND REMEDIAL MEASURES

Article 5. Violations against regulations related to the report on proposal of investment guidelines, pre-feasibility study report, feasibility study report

1. A fine of VND 1,000,000 - VND 5,000,000 shall be imposed for any of the following violations:

- a) Failure to follow procedures for making and appraising a report on proposal of investment guidelines, pre-feasibility study report, or feasibility study report;
- b) Failure to follow procedures and conditions for adjusting a program/project.

2. A fine of VND 5,000,000 - VND 10,000,000 shall be imposed for any of the following violations:

- a) Making a budget estimate, payment, or statement of expenditures on the making of a report on proposal of investment guidelines, pre-feasibility study report, or feasibility study report according to incorrect unit prices or norms;
- b) Making the report on proposal of investment guidelines, pre-feasibility study report, or feasibility study report that is not conformable with national standards or technical regulations;
- c) Making an inadequate report on proposal of investment guidelines, pre-feasibility study report, or feasibility study report.

3. A fine of VND 10,000,000 - VND 15,000,000 shall be imposed for any of the following violations:

- a) Making a report on proposal of investment guidelines, pre-feasibility study report, or feasibility study report that is not part of planning or not included in planning by a competent authority;
- b) Making a report on proposal of investment guidelines, pre-feasibility study report, or feasibility study report against approved planning.

4. Remedial measures:

- a) Return the excess funding because of the incurrent budget estimate, acceptance, payment, or statement of expenditures on making the report on proposal of investment guidelines, pre-feasibility study report, or feasibility study report in case of any of the violations specified in Point a Clause 2 of this Article;
- b) Adjust the report on proposal of investment guidelines, pre-feasibility study report, or feasibility study report according to national standards or technical regulations in case of any of the violations specified in Point b Clause 2 of this Article;
- c) Complete the report in case of any of the violation specified in Point c Clause 2 of this Article;

d) Adjust the report on proposal of investment guidelines, pre-feasibility study report, or feasibility study report according to the approved planning in case of any of the violations specified in Point b Clause 3 of this Article.

Article 6. Violations against regulations on reporting, providing information about public investment

1. A fine of VND 2,000,000 - VND 5,000,000 shall be imposed for failure to report the progress of a program/project execution.

2. A fine of VND 5,000,000 - VND 10,000,000 shall be imposed for provision of inadequate or incorrect information or documents about a program/project design.

3. A fine of VND 10,000,000 - VND 15,000,000 shall be imposed for any of the following violations:

a) Deliberately reporting or providing incorrect information affecting the process of making or deciding a plan, program, or project;

b) Deliberately reporting or providing incorrect information affecting the supervision, assessment, inspection, and dealing with violations in implementing a plan/program/project.

4. A fine of VND 15,000,000 - VND 20,000,000 shall be imposed for deliberate destruction, falsification, concealment, or inadequate retention of documents about the decision on investment guidelines or decision on program/project execution.

Article 7. Violations against regulations on supervision, assessment, inspections of a public investment plan/program/project

1. A fine of VND 2,000,000 - VND 5,000,000 shall be imposed for making an incorrect report on supervision, inspection, or assessment of a plan/program/project.

2. A fine of VND 5,000,000 - VND 10,000,000 shall be imposed for any of the following violations:

a) Failure to carry out supervision or inspection of a plan/program/project;

b) Failure to carry out an initial, midterm, and terminal assessment of the program/project.

Article 8. Violations against regulations on use of public capital

1. A fine of VND 10,000,000 - VND 20,000,000 shall be imposed for using public capital for improper purposes or beyond the approved limit.

2. Remedial measure: withdraw the public capital to state budget.

Article 9. Administrative violations against regulations on use of public capital that involves construction elements

Where an administrative violation against regulations on use of public capital involves construction elements such as survey, design, construction supervision, construction execution, quality control, commissioning & acceptance, payment, financial statement of a investment project, the person entitled to impose penalties specified in this Decree may impose a penalty in accordance with the Government's regulations on penalties for administrative violations against regulations on construction.

Article 10. Violations against regulations on reporting investment supervision and assessment

1. A fine of VND 1,000,000 - VND 2,000,000 shall be imposed for any of the following violations:

- a) Making a report on investment supervision/assessment behind schedule;
- b) Making an inadequate report on investment supervision/assessment.

2. A fine of VND 2,000,000 - VND 5,000,000 shall be imposed for any of the following violations:

- a) Failure to make and send a report on investment supervision/assessment to a competent authority;
- b) Making an untruthful report on investment supervision/assessment.

3. Remedial measures:

- a) Complete the report on investment supervision/assessment in case of the violation specified in Point b Clause 1 of this Article;
- b) Send the report on investment supervision/assessment to a competent authority in case of the violation specified in Point a Clause 2 of this Article;

Article 11. Violations against regulations on management of execution of a program/project funded by official development assistance (hereinafter referred to as ODA program/project)

1. A fine of VND 5,000,000 - VND 10,000,000 shall be imposed for any of the following violations:

- a) Failure to organize the supervision and/or assessment of the execution of an ODA program/project;

b) Execute the program/project behind schedule not because of an objective difficulty or a force majeure event.

2. A fine of VND 20,000,000 - VND 30,000,000 shall be imposed for executing a program/project against the decision on investment or the decision on approval for the technical assistance program/project instrument.

3. Remedial measure: The violator shall have to organize the supervision and/or assessment of the program/project in case of any of the violations specified in Point a Clause 1 of this Article.

Article 12. Violations against regulations on reporting and providing information about an ODA program/project

1. A fine of VND 1,000,000 - VND 2,000,000 shall be imposed for failure to comply with regulations on reporting the result of an ODA program/project to a competent authority.

2. A fine of VND 5,000,000 - VND 10,000,000 shall be imposed for provision of incorrect information or documents for the parties of the contract, the parties counseling and executing the ODA program/project.

3. Remedial measures:

a) Make and send a report to a competent authority in case of the violation specified in Clause 1 of this Article;

b) Provide accurate information and documents for the parties in case of the violation specified in Clause 2 of this Article.

Section 2. ADMINISTRATIVE VIOLATIONS AGAINST REGULATIONS ON DOMESTIC INVESTMENT AND OUTWARD INVESTMENT, PENALTIES AND REMEDIAL MEASURES

Article 13. Violations against regulations on investment in Vietnam

1. A fine of VND 1,000,000 - VND 5,000,000 shall be imposed for failure to submit a report to the investment registration authority before commencing the execution of an investment project which is not granted an investment registration certificate.

2. A fine of VND 5,000,000 - VND 10,000,000 shall be imposed for any of the following violations:

a) Failure to submit reports on investment activities, investment project supervision and/or assessment;

b) Submitting an untruthful report on investment activities;

c) making investment in conditional business lines without satisfying all conditions specified in the Law on Investment;

d) Establishing an executive office of a foreign investor in the business cooperation contract without registering with the investment registration authority of the area where the executive office is located;

dd) Shutting down an executive office of a foreign investors in the business cooperation contract without notifying the investment registration authority of the area where the executive office is located.

3. A fine of VND 10,000,000 - VND 20,000,000 shall be imposed for submitting an untruthful document to obtain the certificate of investment or investment registration certificate or decision on investment guidelines.

4. A fine of VND 20,000,000 - VND 30,000,000 shall be imposed for any of the following violations:

a) Failure to follow procedures for registration of capital contribution, purchase of capital contributions/shares of a business organization;

b) Failure to follow procedures for investment project adjustment;

c) Extending the duration of project execution or investment without submitting a written proposal to the investment registration authority or such proposal is not approved in writing by the investment registration authority;

d) Suspend an investment project without sending a written notification to the investment registration authority or the suspension is not approved in writing by the investment registration authority;

dd) Failure to follow procedures for shutting down or liquidating an investment project.

5. A fine of VND 30,000,000 - VND 40,000,000 shall be imposed for any of the following violations:

a) Failure to make investment in accordance with the content of the application for investment registration (where the investment registration certificate is not issued) or the certificate of investment or investment registration certificate or decision on investment guidelines;

b) Failure to satisfy conditions for investment by capital contribution or purchase of capital contributions/shares of foreign investors;

c) Failure to satisfy all conditions when transferring an investment project;

d) Making investment in business lines banned from investment specified in the Law on Investment.

6. A fine of VND 40,000,000 - VND 60,000,000 shall be imposed for any of the following violations:

a) Failure to follow investment procedures;

b) Carrying on the project execution after the investment registration authority issues a decision on suspension of the project;

c) Carrying on the project execution after its shutdown without approval by the investment registration authority;

d) Failure to commence the investment project after 12 months without by the investment registration authority.

7. A fine of VND 60,000,000 - VND 80,000,000 shall be imposed for commencing a project before a certificate of investment, investment registration certificate, or decision on investment guidelines is issued.

8. Remedial measures:

a) Register the executive office of a foreign investors in the business cooperation contract in case of the violation specified in Point d Clause 2 of this Article;

b) Send a written notification to the investment registration authority in case of the violation specified in Point dd Clause 2 of this Article.

Article 14. Violations against regulations on use of state capital for investment or business operation

1. A fine of VND 30,000,000 - VND 50,000,000 shall be imposed for any of the following violations:

a) Using state capital for making investment, contributing capital, or purchasing shares without approval by a competent authority;

b) Changing an investment project funded by state capital without approval by a competent authority.

2. A fine of VND 50,000,000 - VND 70,000,000 shall be imposed for investing or doing business using state capital for improper purposes.

Article 15. Violations against regulations on outward investment

1. A fine of VND 5,000,000 - VND 10,000,000 shall be imposed for any of the following violations:

- a) Failure to comply with regulations on reporting overseas investment activities;
- b) Failure to notify or adequately notify investment project execution.

2. A fine of VND 20,000,000 - VND 30,000,000 shall be imposed for any of the following violations:

- a) Failure to adhere to the outward investment registration certificate;
- b) Failure to transfer profit and income from outward investment to Vietnam;
- c) Failure to transfer lawful assets and capital to Vietnam after the project is finished.

3. A fine of VND 30,000,000 - VND 40,000,000 shall be imposed for any of the following violations:

- a) Submit incorrect or untruthful documents to obtain the outward investment registration certificate;
- b) Failure to follow procedures for adjusting the outward investment registration certificate in case of changes to the outward investment project;
- c) Failure to follow procedures for adjusting the investment registration certificate when the profit from overseas investment is used for increasing capital or expanding overseas investment;
- d) Using profit from an overseas investment project to execute another overseas investment project without following procedures for obtaining the outward investment registration certificate for such project.

4. A fine of VND 50,000,000 - VND 60,000,000 shall be imposed for any of the following violations:

- a) Making outward investment without approval by a competent authority;
- b) Transferring capital to abroad without satisfying all conditions;
- c) Using state capital to make outward investment against the law.

5. Remedial measures:

- a) Make investment reports in case of the violation specified in Point a Clause 1 of this Article;

- b) Adhere to the investment registration certificate in case of the violation specified in Point a Clause 2 of this Article;
- c) Follow procedures for adjusting the investment registration certificate in case of the violation specified in Point b or Point c Clause 3 of this Article;
- d) Follow investment procedures in case of the violation specified in Point d Clause 3 of this Article.

Article 16. Violations against regulations on investment incentives

- 1. A fine of VND 10,000,000 - VND 15,000,000 shall be imposed for failure to notify a competent authority of the failure to fulfill conditions for investment incentives. If the application for investment incentives involves tax offences, penalties for tax offences shall be imposed.
- 2. A fine of VND 15,000,000 - VND 20,000,000 shall be imposed for provision of inaccurate and untruthful information to be provided with investment incentives.
- 3. Remedial measures: Return the investment incentives improperly provided in case of any of the violations specified in Clause 1 and Clause 2 of this Article.

Article 17. Violations against regulations on investment under public-private partnerships (PPP)

- 1. A fine of VND 10,000,000 - VND 15,000,000 shall be imposed for failure to adjust the feasibility study report in the following cases:
 - a) The project is affected by a natural disaster or other force majeure events;
 - b) There is the potential for higher effectiveness of the project;
 - c) Changes to the planning affect the purposes, location, or scale of the project;
 - d) The project is not attractive to investors after market survey, prequalification, or bidding;
 - dd) Other cases decided by the Prime Minister.
- 2. A fine of VND 15,000,000 - VND 20,000,000 shall be imposed for any of the following violations:
 - a) Failure to issue a decision on guidelines for using state capital for the project before approving the project proposal;
 - b) failure to determine the value of state capital in the project funded by state capital before approving the feasibility study report or project proposal (for Group C projects).

3. A fine of VND 20,000,000 - VND 30,000,000 shall be imposed for any of the following violations:

- a) Failure to implement a performance security measure;
- b) Failure to impose rules for contractor selection uniformly applied throughout the project execution process;
- c) Failure to satisfy all conditions for project commencement;
- d) Failure to prepare a financial statement of the construction.

4. A fine of VND 30,000,000 - VND 40,000,000 shall be imposed for any of the following violations:

- a) Failure to satisfy all conditions and follow procedures for transferring a construction;
- b) Failure to satisfy all conditions for project commencement.

5. Remedial measure: The violator shall have to implement a performance security measure in case of the violation specified in Point a Clause 3 of this Article.

Section 3. ADMINISTRATIVE VIOLATIONS AGAINST REGULATIONS ON BIDDING MANAGEMENT, PENALTIES AND REMEDIAL MEASURES

Article 18. Violations against regulations on planning contractor/investor selection

1. A fine of VND 10,000,000 - VND 15,000,000 shall be imposed for any of the following violations:

- a) Failure to carry out a prequalification before making an investor selection plan;
- b) Failure to follow procedures for making, appraising, approving the contractor/investor selection plan;
- c) Failure to appraise the contractor/investor selection plan before approving it.

2. A fine of VND 15,000,000 - VND 20,000,000 shall be imposed for verifying, approving the contractor/investor selection result before the contractor/investor selection plan is approved.

3. A fine of VND 20,000,000 - VND 30,000,000 shall be imposed for dividing procurements that fail to satisfy technical, procedure, uniformity requirements of the project reducing the competitiveness of bidding.

Article 19. Violations against regulations on request for expression of interest, prequalification documents, bidding documents, request for proposals

1. A fine of VND 5,000,000 - VND 10,000,000 shall be imposed for failure to prepare a request for proposals for procurements of an urgent work.

2. A fine of VND 10,000,000 - VND 15,000,000 shall be imposed for any of the following violations:

a) Failure to appraise the request for expression of interest, prequalification documents, bidding documents, or request for proposals before approving it;

b) Making, appraising, or approving the request for expression of interest, prequalification documents, bidding documents, or request for proposals ultra vires.

3. A fine of VND 15,000,000 - VND 20,000,000 shall be imposed for any of the following violations:

a) Making, appraising, or approving the request for expression of interest, prequalification documents, bidding documents, or request for proposals against regulations of law on bidders' qualification, bidding incentives, employment of domestic workers, use of domestic goods, assessment standards;

b) Making, appraising, or approving the request for expression of interest, prequalification documents, bidding documents, or request for proposals against regulations of law on bidders' qualification or incentives in investor selection;

c) Imposing conditions to restrict participation of bidders or give advantage to one or some bidders and thus causing unfair competition;

d) Imposing standards for assessing the request for expression of interest, prequalification documents, bidding documents, or request for proposals that are not appropriate for the scale or technical characteristics of the procurement.

4. A fine of VND 20,000,000 - VND 30,000,000 shall be imposed for approving a bidding documents or request for proposals that is not conformable with the approved contractor/investor selection plan.

Article 20. Violations against regulations on organization of contractor/investor selection, assessment of expressions of interest, applications for prequalification, bids, proposals

1. A fine of VND 1,000,000 - VND 5,000,000 shall be imposed for any of the following violations:

a) Failure to specify or correctly specify the address from which the request for expression of interest, prequalification documents, bidding documents, request for proposals is sent in the invitation letter;

b) Changing or clarifying the bidding documents or request for proposals without request;

c) Refusing to receive expressions of interest, applications for prequalification, bids, or proposals from bidders/investors.

2. A fine of VND 5,000,000 - VND 10,000,000 shall be imposed for failure to publish the request for expression of interest, bidding documents, request for proposals, prequalification documents according to the time and location written on the invitation.

3. A fine of VND 10,000,000 - VND 15,000,000 shall be imposed for any of the following violations:

a) Failure to adhere to the time for bid opening and bid closing specified in the bidding documents or invitation letter;

b) Failure to send bid opening records to bidders;

c) Failure to evaluate expressions of interest, applications for prequalification, bids, proposals of bidders/investors;

d) Failure to notify the result of contractor/investor selection.

4. A fine of VND 15,000,000 - VND 20,000,000 shall be imposed for any of the following violations:

a) Submitting, appraising, approving, publishing a shortlist or contractor/investor selection result that is incorrect or contains inadequate information, or ultra vires;

b) Failure to verify the shortlist, list of bidders/investors satisfying technical requirements in case of single-stage two-envelope procedures or two-stage two-envelope procedures;

c) Failure to organize the verification of the contractor/investor selection result before approving it;

d) Submitting, verifying, approving the contractor/investor selection result against the contractor/investor selection plan;

dd) Evaluating bids or proposals against approved evaluation standards in the bidding documents or request for proposals without changing the contractor/investor selection result.

5. A fine of VND 30,000,000 - VND 40,000,000 shall be imposed for any of the following violations:

a) Evaluating bids or proposals against approved evaluation standards in the bidding documents or request for proposals changing the contractor/investor selection result;

b) Allowing bidders to clarify their bids and thus changing the nature of bidders.

Article 21. Violations against regulations on contract negotiation in contractor selection and preliminary contract negotiation in investor selection

1. A fine of VND 10,000,000 - VND 15,000,000 shall be imposed for failure to carry out a contract negotiation in contractor selection or preliminary contract negotiation in investor selection.
2. A fine of VND 15,000,000 - VND 20,000,000 shall be imposed for concluding a contract before the contractor/investor selection result is approved.

Article 22. Violations against regulations on posting bidding information

1. A warning or A fine of VND 500,000 - VND 1,000,000 shall be imposed for posting the investor/contractor selection plan behind schedule but before the invitation to bid for the first procurement or project of the investor/contractor selection plan is sent.
2. A fine of VND 1,000,000 - VND 5,000,000 shall be imposed for any of the following violations:
 - a) Posting the investor/contractor selection plan after the invitation to bid for the first procurement or project of the investor/contractor selection plan is sent;
 - b) Posting inadequate bidding information or posting bidding information ultra vires.
3. A fine of VND 5,000,000 - VND 10,000,000 shall be imposed for failure to post bidding information.

Article 23. Administrative violations against other regulations on bidding

1. A fine of VND 5,000,000 - VND 10,000,000 shall be imposed for any of the following violations:
 - a) Failure to return or release the deposit paid as bid security to the contractor or investor;
 - b) Establishing an expert group which consists of unqualified members;
 - c) Failure to retain or adequately retain documents during the contractor/investor selection process.
2. A fine of VND 10,000,000 - VND 15,000,000 shall be imposed for any of the following violations:
 - a) Participating in the bidding as an individual without satisfying all requirements;
 - b) Preparing an application for prequalification or expression of interest or bid in an untruthful manner.

3. Remedial measures: Return the bid security to the investor or contractor in case of the violation specified in Point a Clause 1 of this Article.

Section 4. VIOLATIONS AGAINST REGULATIONS ON BUSINESS REGISTRATION OF ENTERPRISES, BUSINESS HOUSEHOLDS, COOPERATIVES, AND COOPERATIVE ASSOCIATIONS, PENALTIES AND REMEDIAL MEASURES

Article 24. Violations against regulations on preparing the application for enterprise registration

1. A fine of VND 10,000,000 - VND 15,000,000 shall be imposed for provision of inaccurate or untruthful information in the application for enterprise registration.
2. Remedial measure: Correct the information.

Article 25. Violations against regulations on deadline for registering adjustments to certificates of enterprise registration

1. A fine of VND 1,000,000 - VND 5,000,000 shall be imposed for registering adjustments to the certificate of enterprise registration, certificate of branch/representative office/business location registration 1 – 30 days behind schedule.
2. A fine of VND 5,000,000 - VND 10,000,000 shall be imposed for registering adjustments to the certificate of enterprise registration, certificate of branch/representative office/business location registration 31 – 90 days behind schedule.
3. A fine of VND 10,000,000 - VND 15,000,000 shall be imposed for registering adjustments to the certificate of enterprise registration, certificate of branch/representative office/business location registration 91 days or longer behind schedule.
4. Remedial measure: Register adjustments to the certificate of enterprise registration.

Article 26. Violations against regulations on publishing enterprise registration information

1. A fine of VND 1,000,000 - VND 2,000,000 shall be imposed for failure to publish or publish on schedule enterprise registration information on National Enterprise Registration Portal.
2. Remedial measure: Publish enterprise registration information on National Enterprise Registration Portal.

Article 27. Violations against regulations on publishing information about state-owned enterprises

1. A fine of VND 5,000,000 - VND 10,000,000 shall be imposed for any of the following violations:

- a) Publishing inadequate or inaccurate information about state-owned enterprises;
- b) Failure to notify the state ownership representative agency and the Ministry of Planning and Investment of the fact that there is more than one legal representative, or to publish in on the enterprise's website;
- c) Authorizing a person to publish information without notifying the state ownership representative agency and the Ministry of Planning and Investment;
- d) Failure to send the state ownership representative agency a written explanation for changes to published information;
- dd) Suspending information publishing without notifying the reasons for such suspension or sending a request for suspension of information publishing to the state ownership representative agency.

2. A fine of VND 10,000,000 - VND 15,000,000 shall be imposed for any of the following violations:

- a) Failure to periodically publish information;
- b) Failure to publish the enterprise development strategy on the enterprise's website and send it to the Ministry of Planning and Investment for publishing;
- c) Failure to publish approved annual and 5-year business and investment plans of the enterprise;
- d) Failure to prepare a report on result of performance of public and social duties (if any);
- dd) Failure to annually publish the progress of enterprise restructuring and innovation, report the administration and organizational structure of the enterprise, financial statement, salary and bonus scheme of the enterprise.

3. Remedial measures:

- a) Complete or rectify the published information in case of the violation specified in Point a Clause 1 of this Article;
- b) Report, notify, or publish information in case of the violations specified in Point b, Point c, Point d and Point dd Clause 1 of this Article;
- c) Publish information as prescribed in case of the violations specified in Clause 2 of this Article.

Article 28. Violations against regulations on enterprise establishment

1. A fine of VND 2,000,000 - VND 5,000,000 shall be imposed for failure to convert the type of business when the minimum number of members or partners or shareholders cannot be maintained for 6 consecutive months.

2. A fine of VND 5,000,000 - VND 10,000,000 shall be imposed for operating after the expiration date written in the Charter without permission for extension.

3. A fine of VND 10,000,000 - VND 20,000,000 shall be imposed for failure to register changes to the business registration authority when charter capital is not adequately contributed as registered.

4. A fine of VND 20,000,000 - VND 30,000,000 shall be imposed for any of the following violations:

- a) Incorrectly assess the value assets contributed as capital in a deliberate manner;
- b) Carrying on the business after the certificate of enterprise registration is revoked;
- c) Doing business as an enterprise without registering an enterprise establishment.

5. Remedial measures:

a) Register the business type conversion in accordance with the Law on Enterprises in case of the violation specified in Clause 1 of this Article;

b) Revise the Charter or apply for dissolution in case of the violation specified in Clause 2 of this Article;

c) Register the change to the charter capital and holdings of members/partners/shareholders in case of the violation specified in Clause 3 of this Article;

d) Reassess the assets contributed as capital and register the charter capital accordingly in case of the violation specified in Point a Clause 4 of this Article;

dd) Register the enterprise establishment in case of the violation specified in Point c Clause 4 of this Article.

Article 29. Violations against regulations on registering the enterprise founder

1. A fine of VND 5,000,000 - VND 10,000,000 shall be imposed upon:

a) Any entity that by law does not have the right to establish an enterprise but still registers the establishment of an enterprise;

b) Any entity that does not have the right to contribute capital, purchase capital contributions/shares but still does so.

2. Remedial measures:

a) Register the change to the number of members, partners or shareholders of the single-member limited liability company owned by an organization, joint-stock company, or partnership in case of the violation specified in Point a Clause 1 of this Article.

b) Replace the member/partner who is the organization or individual that contributes capital or purchases capital contributions/shares in case of the violation specified in Point b Clause 1 of this Article.

Article 30. Violations against regulations on reporting and complying with requests of business registration authorities

1. A fine of VND 1,000,000 - VND 5,000,000 shall be imposed for any of the following violations:

a) Failure to submit a report or submit a report on time at the request of a business registration authority;

b) Failure to submit a report or submit a report on time to the business registration authority of the area where the enterprise's headquarters is located on changes to members of the Board of Directors (of a joint-stock company), members of the Control Board or controllers, Director or General Director.

2. A fine of VND 5,000,000 - VND 10,000,000 shall be imposed for any of the following violations:

a) Carrying on a conditional business line after a suspension has been requested by the business registration authority;

b) Failure to change to the enterprise's name at the request of the business registration authority where the enterprise's name infringes upon industrial property right.

3. Remedial measures:

a) Submit a report to the business registration authority in case of the violation specified in Clause 1 of this Article;

b) Change the enterprise's name or remove the infringing element in the name in case of the violation specified in Point b Clause 2 of this Article.

Article 31. Violations against regulations on notifying changes to enterprise registration content

1. A warning or A fine of VND 500,000 - VND 1,000,000 shall be imposed for notifying changes to the enterprise registration content 1 – 30 days behind schedule.

2. A warning or A fine of VND 1,000,000 - VND 2,000,000 shall be imposed for notifying changes to the enterprise registration content 31 – 90 days behind schedule.
3. A warning or A fine of VND 2,000,000 - VND 5,000,000 shall be imposed for notifying changes to the enterprise registration content 91 days or longer behind schedule.
4. Remedial measure: Notify the changes to the Provincial Business Registration Office.

Article 32. Other report-related offences

1. A fine of VND 1,000,000 - VND 2,000,000 shall be imposed for any of the following violations:

- a) Failure to notify or notify on time the business registration authority or tax authority of the lease of a private enterprise;
- b) Failure to notify or notify on time the business registration authority of the private placement of shares of a privately held company;
- c) Failure to notify the business registration authority of changes to information about founding shareholders or foreign shareholders of an unlisted company;
- d) Failure to notify or notify on time the business registration authority or tax authority of the time and duration of business suspension or time of resumption;
- dd) Failure to notify or notify on time the business registration authority of information or changes to information about the name, nationality, passport number, permanent residence, quantity and type of shares of a shareholder who is a foreigner; name, enterprise ID number, headquarters address, quantity and type of shares of a shareholder that is a foreign organizations and name, nationality, passport number and permanent residence of the representative thereof if the joint-stock company is unlisted.

2. A fine of VND 2,000,000 - VND 3,000,000 shall be imposed for any of the following violations:

- a) Registering a business suspension without notifying the suspension of the branch, representative office, or business location;
- b) Using, changing, canceling the stamp design, changing the quantity of stamps of the enterprise or its branch or representative office without notifying the business registration authority for posting on the National Enterprise Registration Portal.

3. Remedial measures:

- a) Send a notification to the business registration authority or tax authority of the information mentioned in Point a Clause 1 of this Article;

b) Send a notification to the business registration authority of the information mentioned in Point b, Point c, Point d, Point dd Clause 1 and Clause 2 of this Article.

Article 33. Violations against regulations on the enterprise's legal representative

1. A fine of VND 10,000,000 - VND 15,000,000 shall be imposed for any of the following violations:

- a) Failure to have a legal representative residing in Vietnam;
- b) Failure to authorize a person in writing to act as a representative when the only legal representative of the enterprise leaves Vietnam;
- c) Authorizing an unqualified person to act as an authorized representative.

2. Remedial measures:

- a) Appoint a Vietnamese resident as the legal representative in case of the violation specified in Point a Clause 1 of this Article;
- b) Authorize another person as the representative in case of the violation specified in Point b Clause 1 of this Article;
- c) Appoint a qualified person as the representative in case of the violation specified in Point c Clause 1 of this Article.

Article 34. Violations against other regulations on organization and management of enterprises

1. A fine of VND 5,000,000 - VND 10,000,000 shall be imposed for any of the following violations:

- a) Failure to hold the annual General meeting of shareholders by the deadline;
- b) Appoint a person who does not have the right to enterprise management to hold a managerial position;
- c) Appoint an unqualified person as the Director (General Director).

2. A fine of VND 10,000,000 - VND 15,000,000 shall be imposed for any of the following violations:

- a) Failure to issue the certificate of capital contribution to a company's member/partner;
- b) Failure to make a member/partner/shareholder register;

c) Failure to put up the enterprise's name at its headquarters, branch or representative office; failure to put up the name of the enterprise's branch, representative office or business location at its location;

d) Failure to retain documents at the headquarters or another location specified in the company's charter.

3. Remedial measures:

a) Hold the annual the General Meeting of Shareholders in case of the violation specified in Point a Clause 1 of this Article;

b) Dismiss the unqualified enterprise manager in case of the violation specified in Point b Clause 1 of this Article;

c) Dismiss the unqualified Director (General Director) of the joint-stock company in case of the violation specified in Point c Clause 1 of this Article;

d) Issue a certificate of capital contribution to the member/partner contributes in case of the violation specified in Point a Clause 2 of this Article;

dd) Make a member/partner/shareholder register in case of the violation specified in Point b Clause 2 of this Article;

a) Put up the enterprise's name at its headquarters, branch or representative office; put up the name of the enterprise's branch, representative office or business location at its location in case of the violation specified in Point c Clause 2 of this Article;

g) Regain documents in case of the violations specified in Point d Clause 2 of this Article.

Article 35. Violations against regulations related to the Control Board

1. A fine of VND 2,000,000 - VND 5,000,000 shall be imposed for failure to have a Control Board with satisfactory composition.

2. A fine of VND 5,000,000 - VND 10,000,000 shall be imposed for any of the following violations:

a) Failure to establish a the Control Board where the establishment of a Control Board is compulsory;

b) Appoint an unqualified person as a Controller.

3. Remedial measures:

- a) Reorganize the Control Board in accordance with law in case of the violation specified in Clause 1 of this Article;
- b) Establish a the Control Board in accordance with law in case of the violation specified in Point a Clause 2 of this Article;
- c) Dismiss the unqualified Controller in case of the violation specified in Point b Clause 2 of this Article.

Article 36. Violations against regulations on enterprise dissolution

1. A fine of VND 5,000,000 - VND 10,000,000 shall be imposed for any of the following violations:

- a) Failure to initiate procedures for enterprise dissolution where dissolution is compulsory;
- b) Failure to send or punctually send the decision on enterprise dissolution and minutes of meeting to the business registration authority, tax authority, and employees.

2. Remedial measures:

- a) Initiate the enterprise dissolution procedures in accordance with law in case of the violation specified in Point a Clause 1 of this Article;
- b) Send a the decision on enterprise dissolution and minutes of meeting to the business registration authority, tax authority, and employees in case of the violation specified in Point b Clause 1 of this Article.

Article 37. Violations against regulations on establishment, shutdown of branches, representative offices and business locations of enterprises

1. A fine of VND 5,000,000 - VND 10,000,000 shall be imposed for any of the following violations:

- a) Doing business at a location that is not notified to the Business Registration Office of the province where the business takes place;
- b) Shutting down a branch, representative office, or business location without notifying the Business Registration Office of the province.

2. Remedial measure: Notify the location of the business location to the Business Registration Office of the province in case of the violation specified in Point a Clause 1 of this Article.

Article 38. Violations against regulations on private enterprises

1. A fine of VND 5,000,000 - VND 10,000,000 shall be imposed for any of the following violations:

- a) Contributing capital or purchasing capital contributions/shares of a partnership, limited liability company, or joint-stock company;
- b) Failure to adequately record the increases or decreases of capital; the entire capital and assets including loan capital and leased assets serving the enterprise's operation in the accounting books or financial statement of the enterprise.

2. Record adequate information in the accounting books or financial statement in case of the violation specified in Point b Clause 1 of this Article.

Article 39. Violations against regulations on parent company-subsiary company relationships

1. A fine of VND 15,000,000 - VND 20,000,000 shall be imposed upon:

- a) Any subsidiary that contributes capital to or buy shares of the parent company;
- b) Subsidiaries of the same parent company contribute capital or buy shares to obtain cross-ownership;
- c) Subsidiaries of the same parent company having at least 65% state capital contribute capital to establish an enterprise.

2. Remedial measures:

- a) Withdraw capital or shares from the parent company or other subsidiaries in case of the violation specified in Point a and Point b Clause 1 of this Article;
- b) Withdraw capital from the enterprise established in case of the violation specified in Point c Clause 1 of this Article.

Article 40. Violations against regulations on social enterprises

1. A fine of VND 15,000,000 - VND 20,000,000 shall be imposed for any of the following violations:

- a) Failure to use at least 51% of annual profit for reinvestment in achievements of social or environmental objectives as registered;
- b) Failure to use sponsorships for proper purposes.

2. Remedial measures:

- a) Provide sufficient capital for reinvestment in achievements of social or environmental objectives as registered in case of the violation specified in Point a Clause 1 of this Article;
- b) Return the sponsorships used improperly in case of the violation specified in Point b Clause 1 of this Article.

Article 41. Violations against regulations on business registration by business households

1. A fine of VND 3,000,000 - VND 5,000,000 shall be imposed for any of the following violations:

- a) Registering more than one business households;
- b) Failure to submit a business report at the request of the business registration authority of the district;
- c) Employ more than 10 regular employees;
- d) Wholesaling or doing mobile business at a location other than that registered with the business registration authority of the district without notifying the tax authority or market surveillance authority of the area where the headquarters is located and where the business is done;
- dd) Establishing a business household without the right to do so;
- e) Failure to register the establishment of a business household where compulsory.

2. A fine of VND 5,000,000 - VND 7,000,000 shall be imposed for provision of inaccurate or untruthful information in the application for business household registration or the application for adjustments to business household registration content.

3. Remedial measures:

- a) Follow procedures for shutting down the business households except for one business household in case of the violation specified in Point a Clause 1 of this Article;
- b) Register the enterprise establishment in case of the violation specified in Point c Clause 1 of this Article;
- c) Send a notification to the tax authority or market surveillance authority in case of the violation specified in Point d Clause 1 of this Article;
- dd) Register the business household establishment in case of the violation specified in Point e Clause 1 of this Article;
- dd) File another application in case of the violation specified in Clause 2 of this Article.

Article 42. Violations against regulations on business household suspension

1. A warning or A fine of VND 500,000 - VND 1,000,000 shall be imposed for suspending the business without sending a written notification or punctually sending a written notification to the business registration authority of the district where the business household was registered.

2. A fine of VND 1,000,000 - VND 2,000,000 shall be imposed for any of the following violations:

a) Failure to inaugurate the business within 06 months from the issuance date of the certificate of business household registration;

b) Suspending the business for more than 6 consecutive months without notifying the business registration authority of the district.

3. Remedial measure: Send a notification to the business registration authority of the district in case of the violation specified in Clause 1 of this Article.

Article 43. Violations against regulations on registering changes to business household registration contents

1. A fine of VND 500,000 - VND 1,000,000 shall be imposed for any of the following violations:

a) Changing the business registration content without notifying the business registration authority of the district;

b) Changing business location without notifying the business registration authority of the district;

c) Failure to suspend the conditional business line at the request of the business registration authority of the district.

2. Remedial measures:

a) Send a notification of changes to business household registration content to the business registration authority of the district in case of the violation specified in Point a Clause 1 of this Article;

b) Send a notification to the business registration authority of the district in case of the violation specified in Point b Clause 1 of this Article.

Article 44. Violations against regulations on shutdown of business households

1. A warning or A fine of VND 500,000 - VND 1,000,000 shall be imposed for shutting down a business household without sending a notification or without returning the original certificate of business registration to the business registration authority of the district.

2. Remedial measure: Send a notification or returning the original certificate of business household registration to the business registration authority of the district.

Article 45. Violations against regulations on business registration by cooperatives and cooperative associations

1. A fine of VND 1,000,000 - VND 2,000,000 shall be imposed for any of the following violations:

a) Failure to hold the annual general meeting of members of the cooperative or cooperative association;

b) Failure to make a member register after a certificate of registration of cooperative or cooperative association is granted.

2. A fine of VND 2,000,000 - VND 5,000,000 shall be imposed for any of the following violations:

a) Failure to provide accurate and truthful information in the application for cooperative or cooperative association registration;

b) Doing business in the name of a cooperative or cooperative association without a certificate of cooperative registration.

3. Remedial measures:

a) Hold the annual the general meeting of members in case of the violation specified in Point a Clause 1 of this Article;

b) Make a member register in case of the violation specified in Point b Clause 1 of this Article;

c) File another application in case of the violation specified in Point a Clause 2 of this Article;

d) Apply for registration of the cooperative or cooperative association in case of the violation specified in Point b Clause 2 of this Article.

Article 46. Violations against regulations on capital contribution and registration of capital contribution by cooperatives and cooperative associations

1. A fine of VND 5,000,000 - VND 10,000,000 shall be imposed for any of the following violations:

a) Failure to adequately and punctually raise capital as registered;

b) Failure to maintain the legal capital where legal capital is required;

- c) Failure to issue a certificate of capital contribution to a member of the cooperative or an associate cooperative;
- d) Contributing capital, buying shares, establishing an enterprise without approval by the general meeting of members;
- dd) Using sources of capital that are undistributable assets of the cooperative or cooperative association to contribute capital, buy shares, or establish an enterprise;
- e) Contributing capital, buying shares, establishing an using more than 50% of the charter capital of the cooperative or cooperative association according to the latest financial statement before the time of capital contribution, share purchase, or enterprise establishment;
- g) Failure to notify the issuer of the certificate of registration of the capital contribution, share purchase, establishment of the enterprise, cooperative or cooperative association.

2. A fine of VND 10,000,000 - VND 15,000,000 shall be imposed for allowing a member to contribute more than 20% capital of the cooperative, or an associate cooperative to contribute more than 30% capital of the cooperative association.

3. Remedial measures:

- a) Supplement the capital as registered in case of the violation specified in Point a Clause 1 of this Article;
- b) Issue a certificate of capital contribution to the member in case of the violation specified in Point c Clause 1 of this Article;
- c) Return the capital or undistributable assets of the cooperative or cooperative association in case of the violation specified in Point dd Clause 1 of this Article;
- d) Adjust the total investment in the form of capital contribution, share purchase, or enterprise establishment in case of the violation specified in Point e Clause 1 of this Article;
- dd) Notify the issuer of the certificate of registration of the cooperative or cooperative association in case of the violation specified in Point g Clause 1 of this Article;
- e) Adjust the capital contribution ratio in case of the violation specified in Clause 2 of this Article.

Article 47. Violations against regulations on changing cooperative or cooperative association registration content

1. A fine of VND 500,000 - VND 1,000,000 shall be imposed for any of the following violations:

a) Failure to register or punctually register or notify changes to the cooperative or cooperative association registration content;

b) Failure to register the change to the cooperative's name when changing the business line which is part of the name of the cooperative or cooperative association.

2. A fine of VND 5,000,000 - VND 10,000,000 shall be imposed for any of the following violations:

a) Failure to provide accurate and truthful information about changes to the cooperative or cooperative association registration content;

b) Carrying on the business operation during the suspension period.

3. Remedial measure: Apply for reissuance of the certificate of registration of the cooperative or cooperative association in case of the violation specified in Clause 1 and Point a Clause 2 of this Article.

Article 48. Violations against regulations on provision of information about cooperatives and cooperative associations

1. A fine of VND 1,000,000 - VND 2,000,000 shall be imposed for failure to adequately, accurately, and promptly provide information about the business operation, finance, income distribution, and other information to the members or associate cooperatives as specified in the Charter.

2. Remedial measure: Provide adequate, timely, and accurate information for the members or associate cooperatives in case of the violation specified in Clause 1 of this Article.

Article 49. Violations against regulations on restructuring of cooperatives and cooperative associations

1. A fine of VND 2,000,000 - VND 5,000,000 shall be imposed for illegal division, consolidation, or merger of cooperatives.

2. Remedial measure: Restructure the cooperative or cooperative association.

Article 50. Violations against regulations on registration of branches, representative offices and business locations of cooperatives and cooperative associations

1. A fine of VND 500,000 - VND 1,000,000 shall be imposed for any of the following violations:

a) Registering the address of a branch, representative office, or business location that does not exist on the administrative map;

b) Registering the address of a branch, representative office, or business location that is not within the lawful right to ownership or enjoyment.

2. A fine of VND 5,000,000 - VND 10,000,000 shall be imposed for untruthfully or inaccurately registering changes to the branch, representative office, or business location registration content.

3. Remedial measure: Apply for reissuance of the certificate of registration of the cooperative or cooperative association in case of the violation specified in Clause 1 and Clause 2 of this Article.

Chapter III

POWER TO IMPOSE PENALTIES

Article 51. The power to impose penalties of inspectors of planning and investment authorities

1. Inspectors and persons appointed as inspectors, in the performance of their duties, are entitled to:

a) Issue warnings;

b) Impose a maximum fine of VND 1,000,000.

2. Chief Inspectors of the Provincial Departments of Planning and Investment, chiefs of inspectorates of provincial departments are entitled to:

a) Issue warnings;

b) Impose a maximum fine of VND 25,000,000 for violations against regulations on business registration; Impose a maximum fine of VND 75,000,000 for violations against regulations on investment and bidding;

c) Enforce remedial measures specified in Chapter II of this Decree.

3. Chiefs of inspectorates of the Ministry of Planning and Investment are entitled to:

a) Issue warnings;

b) Impose a maximum fine of VND 30,000,000 for violations against regulations on business registration; Impose a maximum fine of VND 80,000,000 for violations against regulations on investment and bidding;

c) Enforce remedial measures specified in Chapter II of this Decree.

4. Chief Inspector of the Ministry of Planning and Investment is entitled to:

- a) Issue warnings;
- b) Impose a maximum fine of VND 30,000,000 for violations against regulations on business registration; Impose a maximum fine of VND 80,000,000 for violations against regulations on investment and bidding;
- c) Enforce remedial measures specified in Chapter II of this Decree.

Article 52. The power to impose penalties of the People’s Committees

1. Presidents of the People’s Committees of communes are entitled to:

- a) Issue warnings;
- b) Impose a maximum fine of VND 5,000,000.

2. Presidents of the People’s Committees of districts are entitled to:

- a) Issue warnings;
- b) Impose a maximum fine of VND 25,000,000 for violations against regulations on business registration; Impose a maximum fine of VND 75,000,000 for violations against regulations on investment and bidding;
- c) Enforce remedial measures specified in Chapter II of this Decree.

3. Presidents of the People’s Committees of provinces are entitled to:

- a) Issue warnings;
- b) Impose a maximum fine of VND 30,000,000 for violations against regulations on business registration; Impose a maximum fine of VND 80,000,000 for violations against regulations on investment and bidding;
- c) Enforce remedial measures specified in Chapter II of this Decree.

Article 53. The power to impose penalties of tax authorities

1. Tax officials in the performance of their duties are entitled to:

- a) Issue warnings;
- b) Impose a maximum fine of VND 1,000,000.

2. Tax team leaders are entitled to:

a) Issue warnings;

b) Impose a maximum fine of VND 5,000,000.

3. Directors of Sub-departments of taxation are entitled to:

a) Issue warnings;

b) Impose a maximum fine of VND 25,000,000 for violations against regulations on business registration;

c) Enforce remedial measures specified in Chapter II of this Decree.

4. Directors of Departments of taxation are entitled to:

a) Issue warnings;

b) Impose a maximum fine of VND 30,000,000 for violations against regulations on business registration; Impose a maximum fine of VND 30,000,000 for violations against regulations on investment;

c) Enforce remedial measures specified in Chapter II of this Decree.

5. The Director of the General Department of Taxation is entitled to:

a) Issue warnings;

b) Impose a maximum fine of VND 30,000,000 for violations against regulations on business registration; Impose a maximum fine of VND 30,000,000 for violations against regulations on investment;

c) Enforce remedial measures specified in Chapter II of this Decree.

Article 54. The power to impose penalties of market surveillance authorities

1. Market surveillance officials in the performance of their duties are entitled to:

a) Issue warnings;

b) Impose a maximum fine of VND 1,000,000.

2. Market surveillance team leaders are entitled to:

a) Issue warnings;

b) Impose a maximum fine of VND 25,000,000 for violations against regulations on business registration;

c) Enforce remedial measures specified in Chapter II of this Decree.

3. Directors of Market Surveillance Agencies affiliated to Provincial Departments of Industry and Trade, heads of anti-smuggling departments, anti-counterfeit goods departments, goods quality control departments of Market Surveillance Agency are entitled to:

a) Issue warnings;

b) Impose a maximum fine of VND 30,000,000 for violations against regulations on business registration; Impose a maximum fine of VND 40,000,000 for violations against regulations on investment;

c) Enforce remedial measures specified in Chapter II of this Decree.

4. Director of Market Surveillance Agency is entitled to:

a) Issue warnings;

b) Impose a maximum fine of VND 30,000,000 for violations against regulations on business registration; Impose a maximum fine of VND 40,000,000 for violations against regulations on investment;

c) Enforce remedial measures specified in Chapter II of this Decree.

Article 55. Division of power to impose penalties of planning and investment inspectors, tax inspectors, and market surveillance inspectors

1. Planning and investment inspectors have the power to impose administrative penalties and enforce remedial measures for violations specified in this Decree in accordance with Article 51 of this Decree and within the scope of their functions, tasks, and entitlements.

2. Tax inspectors have the power to impose administrative penalties and enforce remedial measures for violations specified in Point b and Point c Clause 2 Article 15, Article 25, Point a Clause 1 Article 30, Article 31, Point a and Point d Clause 1, Point a Clause 2 Article 32, Point b Clause 1 Article 36, Article 37, Point b Clause 1 Article 38, Point d Clause 1 Article 41, Article 42, Article 43, Article 44, Point b Clause 2 Article 45, Clause 2 Article 37 and Article 50 of this Decree in accordance with Article 53 of this Decree and within the scope of their functions, tasks, and entitlements.

3. Market surveillance inspectors have the power to impose administrative penalties and enforce remedial measures for violations specified in Point c Clause 2 and Point d Clause 5 Article 13, Point b and Point c Clause 4 Article 28, Point a Clause 2 Article 30, Point d Clause 1 and Point a Clause 2 Article 32, Point c Clause 2 Article 34, Article 37, Point a, Point b, Point d, Point đ and

Point e Clause 1 Article 41, Article 42, Article 43, Article 44, Point b Clause 2 Article 45, Article 47, Article 48 and Article 50 of this Decree in accordance with Article 54 of this Decree and within the scope of their functions, tasks, and entitlements.

Article 50. Determination of the power to impose penalties

The maximum fines imposed by the persons specified in Article 51, Article 52, Article 53 and Article 54 of this Decree are imposed upon an administrative violation committed by an organization; the maximum fine such a person may imposed upon an individual is haft the maximum fine imposed upon an organization.

Article 57. The power to issue administrative violation records

1. The persons entitled to impose penalties specified in Article 51, Article 52, Article 53, and Article 54 of this Decree.
2. Officials of the People's Committees appointed to inspect the activities specified in this Decree.
3. Officials of planning and investment authorities appointed as independent inspectors or inspectors of inspectorates.
4. Officials of other regulatory authorities appointed to inspect the management and use of public capital, domestic investment and outward investment, bidding, business registration of enterprises, business households, cooperatives and cooperative associations.
5. The persons having the power to issue administrative violation records specified in Clause 1, Clause 2, Clause 3 and Clause 4 of this Article may only issue records on violations within the scope of their duties and are responsible for such records.

Chapter IV

IMPLEMENTATION CLAUSE

Article 58. Effect

This Decree comes into force from July 15, 2016 and replaces the Government's Decree No. 155/2013/ND-CP dated November 11, 2013 on penalties for administrative violations against regulations on planning and investment.

Article 59. Transition clause

1. Decree No. 155/2013/ND-CP shall apply to violations committed before the effective date of this Decree that have been dealt with by competent authorities.

2. This Decree may be applied to violations that are committed before the effective date of this Decree but discovered afterwards or still under consideration if its provisions are more advantageous to the violators.

Article 60. Responsibility for implementation

Ministers, Heads of ministerial agencies, Heads of Governmental agencies, Presidents of the People's Committees of provinces are responsible for the implementation of this Decree./.

**ON BEHALF OF THE GOVERNMENT
THE PRIME MINISTER**

Nguyen Xuan Phuc

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