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THE SOCIALIST REPUBLIC OF VIETNAM

Independence – Freedom – Happiness

Hanoi, September 04, 2018

DECREE

ON PENALTIES FOR ADMINISTRATIVE VIOLATIONS AGAINST REGULATIONS ON FOOD SAFETY

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

Pursuant to the Law on penalties for administrative violations dated June 20, 2012;

Pursuant to the Law on food safety dated June 17, 2010;

At the request of the Minister of Health;

The Government promulgates a Decree on penalties for administrative violations against regulations on food safety.

Chapter I

GENERAL PROVISIONS

Article 1. Scope

1. This Decree deals with administrative violations, penalties, fines, remedial measures, the power to record and the power to impose penalties and fines for administrative violations against regulations on food safety.
2. Administrative violations against regulations on food safety prescribed herein include:
 - a) Violations against conditions for assurance of safety of food products;
 - b) Violations against food safety conditions in production, trading and supply of foods;
 - c) Violations against food safety requirements applied to imported and exported foods and other violations against food safety conditions in production, trading and supply of foods;
 - d) Violations against regulations on advertisement and education of food safety; food testing; risk analysis, prevention and handling of food safety incidents; tracing food origins, recall and disposal of disqualified food.

3. Other Government's Decrees on administrative penalties for corresponding violations shall apply to administrative violations pertaining to food safety that are not regulated by this Decree.

Article 2. Penalties and remedial measures

1. Pecuniary penalty shall be the main penalty imposed on each administrative violation against regulations on food safety.

2. Depending on the nature and severity of the food safety violation, the violator may incur one or some of the following additional penalties:

a) Suspension of the certificate of food safety for 01 – 06 months, or the certificate of registered product declaration for 01 – 24 months;

b) Suspension of the operation for 01 – 12 months as regulated in Clause 2 Article 25 of the Law on penalties for administrative violations;

c) Confiscation of the exhibits and instrumentalities for committing food safety violations.

3. In addition to these main and additional penalties for food safety violations, the violator shall be liable to one or some of the following remedial measures:

a) Enforced re-export of foods, food additives, food processing aids, food containers and primary packages of foods;

b) Enforced destruction of foods, food additives, food processing aids, food containers, primary packages of foods, materials, substances, chemicals, antibiotics, veterinary medicines, pesticides; unsuitable documents and publications about food safety; exhibits of violations; disqualified shipments of aquatic products;

c) Enforced correction of information that is untrue or causes misunderstanding;

d) Enforced recall of foods, food additives, food processing aids, food containers and primary packages of disqualified foods; released documents and publications;

dd) Enforced repurposing or recycling of foods, food additives, food processing aids, food containers and primary packages of disqualified foods;

e) Enforced recall of the self-declaration form;

g) Enforced removal or deletion of unsuitable advertisement contents;

h) Enforced payment of costs of handling of food poisoning cases, examination and treatment for persons poisoned by foods;

i) Enforced suspension of operation of vehicles used to transport foods;

k) Enforced cancellation of testing results or notices of satisfactory inspection results of imported foods;

l) Enforced payment of an amount equal to the value of the exhibits of violation which have been destroyed.

Article 3. Maximum fines and organizations incurring administrative penalties

1. The maximum fine imposed for an administrative violation against regulations on food safety shall be VND 100,000,000 if it is committed by an individual or VND 200,000,000 if it is committed by an organization, except the cases prescribed in Clause 5 Article 4, Clause 6 Article 5, Clause 5 Article 6, Clause 7 Article 11, Clauses 1 and 9 Article 22, and Clause 6 Article 26 hereof.

2. Fines specified in Chapter II hereof are applied to individuals, except the fines specified in Clause 5 Article 4, Clause 6 Article 5, Clause 5 Article 6, Clause 7 Article 11, Article 18, Article 19, Clauses 1 and 9 Article 22, Article 24, and Clause 6 Article 26 hereof which are applied to organizations. The fine imposed upon an organization is twice the fine imposed upon an individual that commits the same violation.

3. Organizations mentioned in Clauses 1, 2 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, partnerships and their affiliates (including branches and representative offices);

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) Representative offices and branches of foreign traders in Vietnam; representative offices of foreign trade promotion organizations in Vietnam;

dd) Social organizations, socio-political organizations, and socio-professional organizations;

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

4. Individuals mentioned in Clauses 1, 2 of this Article are other than the ones mentioned in Clause 3 of this Article.

Chapter II

ADMINISTRATIVE VIOLATIONS, PENALTIES, FINES AND REMEDIAL MEASURES

Section 1. VIOLATIONS AGAINST CONDITIONS FOR ASSURANCE OF SAFETY OF FOOD PRODUCTS

Article 4. Violations against regulations on ingredients used in production, processing and supply of foods

1. A fine equal to 01 – 02 times the value of products shall be imposed for one of the following violations:

- a) Using expired ingredients or the ones whose expiration dates are not available;
- b) Using ingredients that have unknown origins;
- c) Failing to conduct veterinary hygiene inspection or plant quarantine as regulated by law when using animal or plant products in food production and processing.

2. A fine ranging from VND 20,000,000 to VND 40,000,000 shall be imposed for using food ingredients being animal or plant products which have safety indicators unconformable with corresponding technical regulations, or inconsistent with law regulations, or unsatisfactory as defined in the veterinary hygiene inspection or plant quarantine report.

3. A fine ranging from VND 40,000,000 to VND 50,000,000 shall be imposed for using animals died of diseases or epidemics, or animals which must be destroyed as regulated by laws, for processing foods, or supplying/ selling foods originated from animals died of diseases or epidemics or animals which must be destroyed provided that the product value is less than VND 10,000,000.

4. A fine ranging from VND 80,000,000 to VND 100,000,000 shall be imposed for one of the following violations:

- a) Using food ingredients being animal or plant products, substances or chemicals which are banned in food production and processing;
- b) Using animals died of diseases or epidemics, or animals which must be destroyed as regulated by laws, for processing foods, or supplying/ selling foods originated from animals died of diseases or epidemics or animals which must be destroyed if the product value is VND 10,000,000 or more but not serious enough for criminal prosecution.

5. A fine equal to 05 – 07 times the product value shall be imposed for the violation mentioned in Clause 4 of this Article if the highest fine in the corresponding fine bracket is smaller than the product value multiplied by 07 but the violation is still not serious enough for criminal prosecution.

6. Additional penalties:

- a) The food production/ processing shall be partially or entirely suspended for a period of 01 – 03 months if any of the violations prescribed in Clause 3 and Clause 4 of this Article is committed;
- b) The food production/ processing shall be partially or entirely suspended for a period of 10 – 12 months if the violation prescribed in Clause 5 of this Article is committed;
- c) The certificate of registered product declaration shall be suspended for a fixed period of 20 – 24 months if the product is subject to mandatory registration of product declaration and any of the violations prescribed in Clause 4 and Clause 5 of this Article is committed.

7. Remedial measures:

- a) Enforced destruction of foods and/or food ingredients if any of the violations prescribed in this Article is committed;
- b) Enforced recall of the self-declaration form if the product is subject to mandatory self-declaration and any of the violations prescribed in Clause 4 and Clause 5 of this Article is committed;

Article 5. Violations against regulations on use of food additives and food processing aids in food production or processing

1. A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for using food additives/ food processing aids that are on the list of permitted food additives/ food processing aids but expire or have unknown expiration dates.
2. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for one of the following violations:
 - a) Using food additives/ food processing aids that fail to satisfy requirements set forth in corresponding technical regulations or food safety regulations, except the violation prescribed in Point a Clause 5 of this Article;
 - b) Failing to use food additives/ food processing aids that are on the list of permitted food additives/ food processing aids for the prescribed food type;
 - c) Using an amount of food additives/ food processing aids that are on the list of permitted food additives/ food processing aids in excess of the maximum allowable level.
3. A fine ranging from VND 30,000,000 to VND 40,000,000 shall be imposed for using food additives/ food processing aids that have unknown origins.
4. A fine ranging from VND 40,000,000 to VND 50,000,000 shall be imposed for using food additives or food processing aids that are banned or not on the list of permitted food additives or food processing aids but the product value is less than VND 10,000,000.

5. A fine ranging from VND 80,000,000 to VND 100,000,000 shall be imposed for one of the following violations:

- a) Using food additives/ food processing aids which contain or are contaminated by one of heavy metals or toxic substances in excess of the permissible levels;
- b) Using food additives or food processing aids that are banned or not on the list of permitted food additives or food processing aids but the product value is VND 10,000,000 or more and the violation is not serious enough for criminal prosecution.

6. A fine equal to 05 – 07 times the product value shall be imposed for the violation mentioned in Clause 5 of this Article if the highest fine in the corresponding fine bracket is smaller than the product value multiplied by 07 but the violation is still not serious enough for criminal prosecution.

7. Additional penalties:

- a) The food production/ processing shall be partially or entirely suspended for a fixed period of 01 – 03 months if the violation prescribed in Clause 4 of this Article is committed;
- b) The food production/ processing shall be partially or entirely suspended for a period of 03 – 05 months if the violation prescribed in Clause 5 of this Article is committed;
- c) The food production/ processing shall be partially or entirely suspended for a fixed period of 10 – 12 months if the violation prescribed in Clause 6 of this Article is committed;
- d) The certificate of registered product declaration shall be suspended for a fixed period of 20 – 24 months if the product is subject to mandatory registration of product declaration and any of the violations prescribed in Clause 5 and Clause 6 of this Article is committed.

8. Remedial measures:

- a) Enforced destruction of foods, food additives and/or food processing aids if any of the violations prescribed in this Article is committed;
- b) Enforced recall of the self-declaration form if the product is subject to mandatory self-declaration and any of the violations prescribed in Clause 5 and Clause 6 of this Article is committed.

Article 6. Violations against regulations on use of substances, chemicals, antibiotics, veterinary medicines and pesticides in food production and processing

1. A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for using expired substances/chemicals or the ones with unknown expiration dates.

2. A fine ranging from VND 30,000,000 to VND 40,000,000 shall be imposed for using an amount of substances or chemicals in excess of the permissible level or using the ones that fail to meet requirements set forth in corresponding technical regulations or food safety regulations.

3. A fine ranging from VND 40,000,000 to VND 50,000,000 shall be imposed for any of the following violations:

a) Using substances, chemicals, antibiotics, veterinary medicines or pesticides that are banned or not on the list of permitted substances, chemicals, antibiotics, veterinary medicines or pesticides but the product value is less than VND 10,000,000;

b) Using substances, chemicals, antibiotics, veterinary medicines or pesticides that are not permitted for use or sale in Vietnam but the product value is less than VND 50,000,000.

4. A fine ranging from VND 80,000,000 to VND 100,000,000 shall be imposed for one of the following violations:

a) Using substances, chemicals, antibiotics, veterinary medicines or pesticides that are banned or not on the list of permitted substances, chemicals, antibiotics, veterinary medicines or pesticides but the product value is VND 10,000,000 or more and the violation is not serious enough for criminal prosecution;

b) Using substances, chemicals, antibiotics, veterinary medicines or pesticides that are not permitted for use or sale in Vietnam but the product value is VND 50,000,000 or more and the violation is not serious enough for criminal prosecution.

5. A fine equal to 05 – 07 times the product value shall be imposed for the violation mentioned in Clause 4 of this Article if the highest fine in the corresponding fine bracket is smaller than the product value multiplied by 07 but the violation is still not serious enough for criminal prosecution.

6. Additional penalties:

a) The food production/ processing shall be partially or entirely suspended for a fixed period of 01 – 03 months if the violation prescribed in Clause 3 of this Article is committed;

b) The food production/ processing shall be partially or entirely suspended for a period of 03 – 05 months if the violation prescribed in Clause 4 of this Article is committed;

c) The food production/ processing shall be partially or entirely suspended for a fixed period of 10 – 12 months if the violation prescribed in Clause 5 of this Article is committed;

d) The certificate of registered product declaration shall be suspended for a fixed period of 20 – 24 months if the product is subject to mandatory registration of product declaration and any of the violations prescribed in Clause 4 and Clause 5 of this Article is committed.

7. Remedial measures:

a) Enforced destruction of foods, substances, chemicals, antibiotics, veterinary medicines or pesticides if any of the violations prescribed in this Article is committed;

b) Enforced recall of the self-declaration form if the product is subject to mandatory self-declaration and any of the violations prescribed in Clause 4 and Clause 5 of this Article is committed.

Article 7. Violations against regulations on food fortification with micronutrients

1. A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed for failing to fortify foods with micronutrients, including vitamins, minerals and other micronutrients which are on the list of compulsory micronutrients required to be added to foods as regulated by law.

2. Remedial measures:

Enforced repurposing or recycling of foods or enforced destruction of foods if the violation prescribed in Clause 1 of this Article is committed.

Article 8. Violations against regulations on use of food containers and primary packages in food production and trading

1. A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for using food containers or primary packages which fail to satisfy requirements set forth in corresponding technical regulations or food safety regulations in food production and/or trading.

2. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for using food containers or primary packages that contain or are contaminated by toxic substances in food production and/or trading.

3. Additional penalties:

The food production/ processing shall be partially or entirely suspended for a fixed period of 01 - 03 months if the violation prescribed in this Article is committed.

4. Remedial measures:

Enforced repurposing or recycling, or enforced destruction of food containers and/or primary packages if the violation prescribed in this Article is committed.

Section 2. VIOLATIONS AGAINST FOOD SAFETY CONDITIONS IN PRODUCTION, TRADING AND SUPPLY OF FOODS

Article 9. Violations against general food safety conditions in production, trading and storage of foods, food additives, food processing aids, food containers and primary packages

1. A fine ranging from VND 1,000,000 to VND 3,000,000 shall be imposed for using persons who work in direct contact with foods but do not wear hats (or hair nets) and masks, or do not have their nails cut, or wear watches, bracelets or bangles, or eat, drink, smoke or spit in the production areas of foods, food additives, food processing aids, food containers and/or primary packages.

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

a) Wastewater is stagnant; the sewage system is not closely and carefully covered;

b) Solid waste containers are not covered;

c) Failing to equip specialized boots, shoes or sandals for persons who work in production areas of foods, food additives, food processing aids, food containers and/or primary packages.

3. A fine ranging from VND 5,000,000 to VND 7,000,000 shall be imposed for one of the following violations:

a) Failing to follow the production process which must be designed according to one-way rule from raw materials to finished products;

b) Failing to adopt measures for preventing pests and other harmful animals from productions/ storage areas of foods, food additives, food processing aids, food containers and/or primary packages;

c) Failing to equip or insufficiently equipping shelves, cases, name boards, internal rules and hygiene procedures in storage area;

d) Failing to monitor or improperly monitoring temperature, humidity and other conditions related to food ingredients or products which require a special preservation in the storage area;

dd) Hiring persons who fail to have certificates of competence in food safety to directly participate in the production/ trading of foods, food additives, food processing aids, food containers and/or primary packages;

e) Failing to separately arrange storage areas for food ingredients and finished products, preparation area, processing area, packaging area, restroom, hand wash area, protective clothing change area and relevant auxiliary areas;

g) Failing to carefully cover the area where bottled mineral water or drinking water filling line is located; or failing to separate this area from other areas; or failing to equip air sterilization system in this area.

4. A fine ranging from VND 7,000,000 to VND 10,000,000 shall be imposed for one of the following violations:

a) Failing to equip or insufficient equipping specialized equipment for monitoring temperature, humidity, air ventilation and other factors that may affect food safety for each type of foods;

b) Failing to classify and store waste, food ingredients, finished products or expired or damaged semi-finished products separately from other ingredients and products serving the food production and trading;

c) Storing food ingredients, food additives, food processing aids or food products but failing to comply with storage instructions specified in their labels or announced by organizations or individuals responsible for such products;

d) Failing to collect and treat waste and garbage within the scope of the production facility as regulated by law;

dd) Using unsuitable types of detergents and disinfectants to serve personal hygiene, wash and disinfect hands, working equipment and tools;

e) Using chemicals to kill rats, pests and other harmful animals in the production/ storage areas of foods, food additives, food processing aids, food containers and/or primary packages.

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

a) The food production, processing, selling or storage area is not protected from the pollution by dust, toxic chemicals and other harmful factors;

b) Walls, ceiling or floor of the production, selling or storage area is leaked, cracked or moldy and damp;

c) Failing to provide or insufficiently providing appropriate and qualified equipment, devices and facilities for serving personal hygiene, washing and disinfecting hands, working equipment and tools;

d) The owner of the establishment producing/trading in foods, food additives, food processing aids, food containers and/or primary packages fails to have certificates of competence in food safety;

dd) Committing violations against other food safety conditions as regulated in laws on production, trading and storage; equipment and devices; persons directly participating in

production and trading, except the violations prescribed in Clauses 1, 2, 3 and 4, Points a, b, c and d Clause 5, Clauses 6 and 7 of this Article.

6. Fines shall be imposed upon food manufacturers and food processors that are required to establish and apply HACCP system or other food safety management systems as regulated by law if they commit violations in the course of production and trading of foods. To be specific:

a) A fine ranging from VND 7,000,000 to VND 10,000,000 shall be imposed upon the food manufacturer or food processor for establishing and applying a food safety management system that fails to satisfy requirements set forth in laws or is not suitable for its production or trading status;

b) A fine ranging from VND 10,000,000 to VND 15,000,000 shall be imposed upon the food manufacturer or food processor for establishing and applying a food safety management system that provides unreliable documents or failing to implement remedial measures for unsatisfactory parameters monitored at critical control points;

c) A fine ranging from VND 15,000,000 to VND 20,000,000 shall be imposed upon the food manufacturer or food processor for failure to establish and apply HACCP system or other advanced food safety management systems.

7. A fine ranging from VND 15,000,000 to VND 20,000,000 shall be imposed for one of the following violations:

a) Hiring persons who are suffering from diseases and thus are not permitted to take part in the production or trading of foods, food additives, food processing aids, food containers and/or primary packages;

b) Using water that fails to meet requirements set forth in relevant technical regulations or unqualified water to serve the food production, or clean equipment and devices serving the production of foods, food additives, food processing aids, food containers and/or primary packages.

8. Additional penalties:

a) The food production/ processing shall be partially or entirely suspended for a fixed period of 01 – 03 months if the violation prescribed in Clause 5 of this Article is repeated or re-committed;

b) The food production/ processing shall be partially or entirely suspended for a period of 01 – 03 months if any of the violations prescribed in Points b and c Clause 6 and Clause 7 of this Article is committed.

Article 10. Violations against food safety conditions in transport of foods, food additives, food processing aids, food containers and primary packages

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

a) Failing to satisfy storage conditions set forth in corresponding food safety regulations or standards during the food transport;

b) Transporting foods, food additives, food processing aids, food containers and primary packages with other commodities that may contaminate foods, except the violation prescribed in Point b Clause 3 of this Article.

2. A fine ranging from VND 5,000,000 to VND 7,000,000 shall be imposed for using vehicles that contaminate foods, food additives, food processing aids, food containers and primary packages.

3. A fine ranging from VND 7,000,000 to VND 10,000,000 shall be imposed for using vehicles that have been used for transporting toxic substances but not yet properly cleaned and disinfected to transport foods, food additives, food processing aids, food containers and primary packages.

4. A fine ranging from VND 10,000,000 to VND 15,000,000 shall be imposed for transporting foods, food additives, food processing aids, food containers and primary packages together with toxic substances or chemicals that may cause food contamination.

5. Remedial measures:

a) Enforced suspension of operation of vehicles if any of the violations prescribed in this Article is committed;

b) Enforced repurposing, or recycling, or destruction of foods, food additives, food processing aids, food containers and primary packages if the violation prescribed in Clause 2, Clause 3 or Clause 4 of this Article is committed.

Article 11. Violations against food safety requirements in production and trading of fresh foods derived from aquatic animals

1. A fine ranging from VND 5,000,000 to VND 7,000,000 shall be imposed for storing, transporting or exploiting aquatic animals derived from aquaculture establishment or zone where harvesting is banned.

2. A fine ranging from VND 7,000,000 to VND 10,000,000 shall be imposed for collecting and preparing aquatic animals derived from aquaculture establishment or zone where harvesting is banned.

3. A fine ranging from VND 10,000,000 to VND 15,000,000 shall be imposed for hiring persons to transport or exploiting aquatic animals derived from aquaculture establishment or zone where harvesting is banned.

4. A fine ranging from VND 30,000,000 to VND 50,000,000 shall be imposed for processing aquatic animals derived from aquaculture establishment or zone where harvesting is banned.

5. Fines shall be imposed for adding impurities to aquatic animals, or producing, trading or using aquatic animals containing impurities or preservatives which are banned or not on the list of permitted preservatives. To be specific:

a) A fine ranging from VND 3,000,000 to VND 5,000,000 shall be imposed for directly adding impurities to aquatic animals or using aquatic animals containing impurities for producing or processing foods;

b) A fine ranging from VND 50,000,000 to VND 70,000,000 shall be imposed for organizing addition of impurities to aquatic animals, preparing or processing aquatic animals containing impurities, or collecting, transporting and storing aquatic animals containing impurities for serving the food production, processing and/or trading, except the violation prescribed in Point a Clause 5 of this Article is committed;

c) A fine ranging from VND 80,000,000 to VND 100,000,000 shall be imposed for producing, processing or trading in aquatic animals containing preservatives which are banned or not on the list of permitted preservatives but the violation is not serious enough for criminal prosecution.

6. Fines shall be imposed for exploited, collecting, preparing, storing, processing or selling aquatic animals containing natural toxins. To be specific:

a) A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for deliberately exploiting aquatic animals containing natural toxins which cause adverse health effects and thus are banned from use as foods as regulated by law;

b) A fine ranging from VND 30,000,000 to VND 40,000,000 shall be imposed for transporting aquatic animals containing natural toxins which cause adverse health effects, except the cases permitted by competent authorities;

c) A fine ranging from VND 40,000,000 to VND 50,000,000 shall be imposed for hiring persons to transport aquatic animals containing natural toxins which cause adverse health effects, except the cases permitted by competent authorities;

d) A fine ranging from VND 80,000,000 to VND 100,000,000 shall be imposed for collecting, preparing, storing, processing or trading aquatic animals containing natural toxins which cause adverse health effects in order to use as foods, except the cases permitted by competent authorities.

7. A fine equal to 05 – 07 times the product value shall be imposed for the violation mentioned in Clause 5, Point b, Point c or Point d Clause 6 of this Article if the highest fine in the corresponding fine bracket is smaller than the product value multiplied by 07 but the violation is still not serious enough for criminal prosecution.

8. Additional penalties:

- a) The certificate of food safety shall be suspended for a fixed period of 04 - 06 months if the violation prescribed in Clause 7 of this Article is committed;
- b) The food production/ processing shall be partially or entirely suspended for a fixed period of 01 – 03 months if any of the violations prescribed in Clauses 4 and 5, Point d Clause 6 of this Article is committed;
- c) The exhibits and instrumentalities of any violation prescribed in this Article shall be confiscated.

9. Remedial measures:

Enforced repurposing, or recycling, or destruction of disqualified shipments of aquatic animals if one of the violations prescribed in this Article is committed.

Article 12. Violations against food safety requirements in production and trading of animals and fresh animal products used as foods

1. A fine equal to 01 – 02 times the value of foods shall be imposed for trading fresh foods which are derived from terrestrial animals but have gone bad, or have color and/or smell changed.
2. A fine equal to 02 – 03 times the value of foods shall be imposed for trading fresh foods derived from terrestrial animals which are contaminated with microorganisms or have substance or chemical residues found at above maximum residue limits as regulated by laws.

3. Remedial measures:

Enforced repurposing, or recycling, or destruction of foods if any of the violations prescribed in this Article is committed.

Article 13. Violations against food safety requirements in production and trading of plant-derived fresh foods

1. A fine ranging from VND 1,000,000 to VND 2,000,000 shall be imposed for one of the following violations:
 - a) Failing to formulate and comply with internal food safety requirements in the course of food production;
 - b) Failing to carry out annual internal assessment as regulated by laws.
2. A fine ranging from VND 2,000,000 to VND 3,000,000 shall be imposed for failing to adopt procedures for control of quality of inputs and finished products in the course of food preparation and processing.

3. A fine equal to 01 – 02 times the value of foods shall be imposed for producing and/or trading plant-derived fresh foods which are found to have a safety indicator exceeding the prescribed safety limit.

4. Remedial measures:

Enforced repurposing or recycling or destruction of foods if the violation prescribed in Clause 3 of this Article is committed.

Article 14. Violations against food safety requirements in trading of processed foods, whether or not prepackaged, by micro food sellers

1. A fine ranging from VND 500,000 to VND 1,000,000 shall be imposed for selling foods which are spoiled, moldy, dirty or in direct contact with other polluting elements.

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

a) The area where foods are sold, displayed or stored is penetrated by pests or harmful animals;

b) Committing violations against food safety requirements in food storage;

c) Committing violations against food safety requirements applied to food containers and primary packages.

3. Remedial measures:

Enforced repurposing or recycling or destruction of foods if the violation prescribed in Clause 1 of this Article is committed.

Article 15. Violations against food safety requirements by food and drink businesses, including suppliers of meals ready-to-eat, canteens, industrial kitchens, kitchens or restaurants within hotels or resorts, shops, stores and/or stalls selling fast foods and cooked foods, and other food processors and suppliers

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

a) Displaying or storing foods by equipment, devices and materials which are uncomformable with hygiene standards;

b) Failing to provide sufficient and separate devices and equipment for processing, storing and containing fresh foods and processed foods;

c) The area where foods are processed, sold or stored is penetrated by pests or harmful animals;

d) Using persons who directly process foods but do not wear hats (or hair nets) and masks, or do not have their nails cut, or do not wear gloves when working in direct contact with cooked foods/ fast foods.

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

a) Failing to comply or improperly complying with regulations on 3-step food checking;

b) Failing to comply or improperly complying with regulations on food sample storage;

c) Equipment and vehicles used for transporting and storing meals ready-to-eat/ fast foods are uncomformable with hygiene standards or contaminate foods;

d) Wastewater is stagnant in the food processing area; the sewage system is not closely and carefully covered;

dd) Restroom or hand wash area is not available;

e) Solid waste containers are not covered.

3. A fine ranging from VND 5,000,000 to VND 7,000,000 shall be imposed for hiring persons who fail to have certificates of competence in food safety to directly process foods.

4. A fine ranging from VND 7,000,000 to VND 10,000,000 shall be imposed for one of the following violations:

a) Using water that fails to meet requirements set forth in relevant technical regulations or hygiene standards to serve the food processing or clean equipment and devices;

b) The business's owner fails to have the certificate of competence in food safety as regulated by laws;

c) Failing to collect and treat waste and garbage within the scope of the food and drink business as regulated by law;

d) Committing violations against other food safety requirements set forth in law on food and drink business, except the violations prescribed in Clause 1, Clause 2, Clause 3, Points a, b and c Clause 4, Clause 5 of this Article.

5. A fine ranging from VND 10,000,000 to VND 15,000,000 shall be imposed for hiring persons who are suffering from diseases and thus not permitted to work in food and drink business.

6. Additional penalties:

The food production/ processing/ trading/ supply shall be partially or entirely suspended for a period of 01 – 03 months if any of the violations prescribed in Clause 4 and Clause 5 of this Article is committed.

Article 16. Violations against food safety requirements by street food vendors

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

- a) Failing to equip tables, cabinets, shelves, stands, equipment and devices which meet corresponding requirements for displaying foods;
- b) Foods are not covered and protected from dust, pests or other harmful animals;
- c) Failing to wear gloves when working in direct contact with cooked foods/ fast foods.

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

- a) Using food handling devices, food containers or primary packages which fail to satisfy food safety requirements;
- b) A street food vendor is suffering from diseases anyone suffers from which is prohibited from selling street foods;
- c) Using food additives which have been divided inconsistently with applicable law regulations for processing street foods;
- d) Using water that fails to meet corresponding hygiene standards for processing foods, or cleaning working equipment and devices;
- dd) Committing violations against other food safety requirements set forth in laws on street food business, except the violations prescribed in Clause 1, Points a, b, c and d Clause 2 of this Article.

3. Remedial measures:

Enforced destruction of foods if the violation prescribed in Point c Clause 2 of this Article is committed.

Article 17. Violations against food safety requirements applied to genetically modified foods and irradiated foods

1. A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for failing to comply with regulations on transport and storage of genetically modified foods/ genetically modified organisms (GMO) used as foods.

2. A fine ranging from VND 30,000,000 to VND 50,000,000 shall be imposed for one of the following violations:

a) Producing/ selling foods derived from GMOs or products of GMOs which are not on the list of GMOS granted the certificate of edible GMO;

b) Producing/ selling foods derived from GMOs or products of GMOs which are on the list of GMOS granted the certificate of edible GMO but failing to present the certificate of edible GMO;

c) Applying irradiation technique to preservation of produced/ sold foods which are not on the list of foods permitted to be irradiated;

d) Failing to comply with regulations on radiation doses or employing a food irradiation facility that is ineligible and fails to obtain a license from a competent authority as regulated by law.

3. Remedial measures:

Enforced destruction of foods if the violation prescribed in Clause 2 of this Article is committed.

Article 18. Violations against regulations on the certificate of food safety

1. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for failing to obtain the certificate of food safety when providing food and drink services, except the cases where the certificate of food safety is exempted as regulated by laws and the violation prescribed in Clause 2 of this Article.

2. A fine ranging from VND 30,000,000 to VND 40,000,000 shall be imposed for failing to obtain the certificate of food safety when manufacturing and/or selling foods, except the cases where the certificate of food safety is exempted as regulated by laws and the violation prescribed in Clause 3 of this Article.

3. A fine ranging from VND 40,000,000 to VND 60,000,000 shall be imposed for producing dietary supplements but failing to obtain the certificate of GMP for dietary supplements according to the prescribed route.

4. Remedial measures:

a) Enforced recall of foods if the violation prescribed in Clause 2 or Clause 3 of this Article is committed;

b) Enforced repurposing or recycling or destruction of foods if the violation prescribed in Clause 2 or Clause 3 of this Article is committed.

Section 3. VIOLATIONS AGAINST FOOD SAFETY REQUIREMENTS APPLIED TO IMPORTED AND EXPORTED FOODS, AND OTHER VIOLATIONS AGAINST FOOD SAFETY CONDITIONS IN PRODUCTION, TRADING AND SUPPLY OF FOODS

Article 19. Violations against food safety requirements applied to imported and exported foods

1. A fine ranging from VND 30,000,000 to VND 40,000,000 shall be imposed for failing to conduct state inspection of food safety as regulated by laws in the course of importing or exporting foods, food additives, food processing aids, food containers and primary packages.
2. A fine ranging from VND 40,000,000 to VND 60,000,000 shall be imposed for committing one of the following violations in the course of importing foods, food additives, food processing aids, food containers and primary packages:
 - a) Altering or falsifying the contents of the self-declaration form, the declaration form, the certificate of registered product declaration, the notice of satisfactory inspection results of imported foods, the certificate of food safety or other documents;
 - b) Providing false information or documents about the import shipment/ the imports to be eligible for reduced inspection or exemption from state inspection of food safety or change from tightened inspection into normal inspection;
 - c) Selling the import shipment or imported foods, food additives, food processing aids, food containers or primary packages which require the "notice of satisfactory inspection results" before customs clearance inconsistently with the law regulations.
3. A fine ranging from VND 60,000,000 to VND 80,000,000 shall be imposed for importing foods, food additives, food processing aids, food containers or primary packages which are subject to the normal inspection, reduced inspection without sampling or exemption from inspection of food safety but the imports or the shipment's commodities have a safety indicator found to be unconfirmable with the permissible limits prescribed in corresponding technical regulations/ standards or the declared limits; or the dietary supplements have a quality indicator contributing their effects found to be unconfirmable with the declared limits.
4. A fine ranging from VND 80,000,000 to VND 100,000,000 shall be imposed for failing to conduct inspection of food safety as regulated by laws before selling foods which are eligible for exemption from inspection of safety of imported foods but have been returned by the importing country.
5. Additional penalties:
 - a) Confiscate the exhibits of violation if the violation prescribed in Point a or Point c Clause 2 of this Article is committed;

- b) The certificate of registered product declaration shall be suspended for a fixed period of 01 - 03 months if the product is subject to mandatory registration of product declaration and the violation prescribed in Clause 1 of this Article is committed;
- c) The certificate of registered product declaration shall be suspended for a fixed period of 03 - 05 months if the product is subject to mandatory registration of product declaration and the violation prescribed in Clause 2 of this Article is committed;
- d) The certificate of registered product declaration shall be suspended for a fixed period of 05 - 07 months if the product is subject to mandatory registration of product declaration and the violation prescribed in Clause 3 of this Article is committed;
- dd) The certificate of registered product declaration shall be suspended for a fixed period of 07 - 09 months if the product is subject to mandatory registration of product declaration and the violation prescribed in Clause 4 of this Article is committed.

6. Remedial measures:

- a) Enforced re-export of foods, food additives, food processing aids, food containers and/or primary packages if the violation prescribed in Clause 1 of this Article is committed;
- b) Enforced recall of foods, food additives, food processing aids, food containers and/or primary packages if the violation prescribed in Point b Clause 2, or Clause 3 or Clause 4 of this Article is committed;
- c) Enforced repurposing or recycling or destruction of foods, food additives, food processing aids, food containers and primary packages if the violation prescribed in Clause 3 or Clause 4 of this Article is committed;
- d) Enforced payment of an amount equal to the value of the exhibits of violation which have been destroyed if the violation prescribed in Point c Clause 2 of this Article is committed;
- dd) Enforced recall of the self-declaration form if the product is subject to mandatory self-declaration and any of the violations prescribed in this Article is committed.

Article 20. Violations against regulations on product self-declaration

1. A fine ranging from VND 15,000,000 to VND 20,000,000 shall be imposed for one of the following violations:

- a) Failing to notify, post or list the self-declaration form as regulated by laws;
- b) Failing to submit a copy of the self-declaration form to the competent authority as regulated by laws;
- c) Failing to retain the self-declaration documentation as regulated by laws;

d) Failing to provide the notarized translations of self-declaration documents from foreign language into Vietnamese as regulated.

2. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for using the following test reports to make product self-declaration:

a) Using an expired test report;

b) The test report does not contain all safety indicators as regulated by laws;

c) The test report has a safety indicator unconfirmable with corresponding technical regulations/ standards or inconsistently with law regulations;

d) The test report is issued by a laboratory that is not designated or fails to satisfy requirements set forth in ISO 17025;

dd) The test report is neither the original nor certified copy.

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

a) Producing or importing products which are subject to product self-declaration but have a safety indicator found to be unconfirmable with the permissible limits prescribed in corresponding regulations/ standards or the declared limits or the limits specified on the product labels;

b) Contents about food safety self-declared are unconfirmable with corresponding technical regulations/ standards or inconsistent with applicable law regulations.

4. A fine ranging from VND 40,000,000 to VND 50,000,000 shall be imposed for one of the following violations:

a) Failing to have the self-declaration form as regulated by law when producing or importing products which are subject to mandatory self-declaration;

b) Making self-declaration of the product which is subject to mandatory registration of product declaration as regulated by law.

5. Additional penalties:

The production/ import of foods shall be partially or entirely suspended for a fixed period of 01 – 03 months if the violation prescribed in Clause 3 or Clause 4 of this Article is committed.

6. Remedial measures:

- a) Enforced recall of foods if the violation prescribed in Clause 2, Clause 3 or Clause 4 of this Article is committed;
- b) Enforced repurposing or recycling or destruction of foods if the violation prescribed in Point a Clause 3 or Point a Clause 4 of this Article is committed;
- c) Enforced recall of the self-declaration form if the violation prescribed in Clause 2, or Point b Clause 3 or Point b Clause 4 of this Article is committed.

Article 21. Violations against regulations on registration of the product declaration

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

- a) Producing or importing products which are subject to mandatory registration of the product declaration but have a safety indicator found to be unconfirmable with the permissible limits prescribed in corresponding regulations/ standards or the declared limits or the limits specified on the product labels;
- b) Producing or importing dietary supplements which have a quality indicator contributing their effects found to be unconfirmable with the declared limits or the limits specified on their labels if the certificate of registered product declaration is not available but these dietary supplements are not considered as counterfeits as defined by relevant laws.

2. A fine ranging from VND 40,000,000 to VND 50,000,000 shall be imposed for failing to carry out procedures for registration of the product declaration as regulated by law when producing or importing the product which is subject to mandatory registration of the product declaration, or failing to present the certificate of registered product declaration as regulated when producing or importing such product.

3. Additional penalties:

The production/ import of foods shall be partially or entirely suspended for a fixed period of 01 – 03 months if the violation prescribed in Clause 2 of this Article is committed.

4. Remedial measures:

- a) Enforced recall of foods if any of the violations prescribed in of this Article is committed;
- b) Enforced repurposing or recycling or destruction of foods if the violation prescribed in Clause 1 or Clause 2 of this Article is committed.

Article 22. Violations against other regulations on assurance of safety of foods in production, trading, import and supply of foods

1. A fine equal to 01 – 02 times the product value shall be imposed for selling or distributing the product which is subject to the product self-declaration or registration of the product declaration but has a safety indicator found to be unconfirmable with the permissible limits prescribed in corresponding regulations/ standards or the declared limits or the limits specified on the label of the product that does not have a valid self-declaration form or the certificate of registered product declaration; selling or distributing dietary supplements which have a quality indicator contributing their effects found to be unconfirmable with the declared limits or the limits specified on their labels if the certificate of registered product declaration is not available but these dietary supplements are not considered as counterfeits as defined by relevant laws.

2. A fine ranging from VND 10,000,000 to VND 15,000,000 shall be imposed for any of the following violations against regulations on production of dietary supplements:

a) Failing to establish and maintain a quality control system which controls the manufacture and distribution in order to ensure that all products satisfy the applied standards and are safe until their expiration;

b) Failing to clean the factory, equipment and auxiliary utilities on a daily basis;

c) Failing to prepare and retain documents about the manufacture process, quality control and distribution in a manner that the history of every batch can be accessed as regulated by laws;

c) Failing to carry out inspections and supervisions during the manufacture process to avoid confusion, pollution and cross-contamination; failing to record the result immediately when an operation is conducted or after a process is done;

dd) Using raw materials or selling products before the quality is satisfactory after being tested;

e) Failing to monitor the product stability as regulated by laws;

g) Failing to establish procedures for complaint settlement, product recall, and self-inspection or failing to properly follow the existing ones; failing to fully record and retain documents about these tasks.

3. Fines shall be imposed for failing to carry out procedures for product self-declaration or failing to obtain the self-declaration form or the certificate of registered product declaration when selling or distributing the product which is subject to the product self-declaration or registration of the product declaration. To be specific:

a) A fine ranging from VND 1,000,000 to VND 3,000,000 shall be imposed if the product is worth up to VND 3,000,000;

b) A fine ranging from VND 3,000,000 to VND 5,000,000 shall be imposed if the product is worth more than VND 3,000,000 to VND 5,000,000;

- c) A fine ranging from VND 5,000,000 to VND 7,000,000 shall be imposed if the product is worth more than VND 5,000,000 to VND 10,000,000;
- d) A fine ranging from VND 7,000,000 to VND 10,000,000 shall be imposed if the product is worth more than VND 10,000,000 to VND 20,000,000;
- dd) A fine ranging from VND 10,000,000 to VND 15,000,000 shall be imposed if the product is worth more than VND 20,000,000 to VND 40,000,000;
- e) A fine ranging from VND 15,000,000 to VND 20,000,000 shall be imposed if the product is worth more than VND 40,000,000 to VND 60,000,000;
- g) A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed if the product is worth more than VND 60,000,000 to VND 80,000,000;
- h) A fine ranging from VND 30,000,000 to VND 40,000,000 shall be imposed if the product is worth more than VND 80,000,000 to VND 100,000,000;
- i) A fine ranging from VND 40,000,000 to VND 50,000,000 shall be imposed if the product is worth more than VND 100,000,000.

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

- a) Failing to make another self-declaration or carry out procedures for re-registration of the product declaration in case of the change to the product name, origin or ingredients;
- b) Failing to submit a written notification of changes to the competent authority as regulated by law or submitting a written notification whose contents are unconfomable with the changes to the product or failing to submit convincing documents proving such changes;
- c) Altering or falsifying the contents of the self-declaration form, the declaration form, the certificate of registered product declaration, the test report, the certificate of food safety or other documents;
- d) Failing to comply with regulations on packaging in the course of production and/or trading of food additives;
- dd) Displaying food additives/ food processing aids at the place where chemicals serving other purposes are displayed for sale.

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

a) Producing, importing, selling or distributing foods, food additives, food processing aids, food containers and/or primary packages which are uncomformable with the declared product information, except the violation prescribed in Point a Clause 1 of this Article;

b) Selling products/ raw materials that are manufactured or imported for production or processing of exports or internal production, are not sold domestically and are exempt from product declaration and state inspection of safety of imported foods as regulated by laws.

6. A fine ranging from VND 40,000,000 to VND 50,000,000 shall be imposed for one of the following violations:

a) Importing, producing, processing, supplying or selling foods that fail to meet food safety requirements and thus cause food poisoning and affect the health of 01 – 04 persons;

b) Importing, supplying or selling foods which contain substances, chemicals, food additives or food processing aids that are banned or not on the list of permitted substances, chemicals, food additives or food processing aids if the product value is less than VND 10,000,000 or the illegal profit earned is less than VND 5,000,000;

c) Importing, supplying or selling foods which contain substances, chemicals, food additives or food processing aids that are not permitted to be used or sold in Vietnam if the product value is less than VND 50,000,000 or the illegal profit earned is less than VND 20,000,000.

7. A fine ranging from VND 50,000,000 to VND 70,000,000 shall be imposed for producing, importing, selling or distributing foods, food additives and/or food processing aids containing or contaminated with toxic substances or containing substances/ active ingredients which are not permitted to be used as foods.

8. A fine ranging from VND 80,000,000 to VND 100,000,000 shall be imposed for one of the following violations:

a) Importing, producing, processing, supplying or selling foods that fail to meet food safety requirements and thus cause food poisoning and affect the health of 05 persons or more but the violation is not serious enough for criminal prosecution;

b) Importing, supplying or selling foods which contain substances, chemicals, food additives or food processing aids that are banned or not on the list of permitted substances, chemicals, food additives or food processing aids if the product is worth VND 10,000,000 or more, or the illegal profit earned is more than VND 5,000,000 but the violation is not serious enough for criminal prosecution;

c) Importing, supplying or selling foods which contain substances, chemicals, food additives or food processing aids that are not permitted to be used or sold in Vietnam if the product value is VND 50,000,000 or more, or the illegal profit earned is more than VND 20,000,000 but the violation is not serious enough for criminal prosecution.

9. A fine equal to 05 – 07 times the product value shall be imposed for the violation mentioned in Point b or Point c Clause 8 of this Article if the highest fine in the corresponding fine bracket is smaller than the product value multiplied by 07 but the violation is not serious enough for criminal prosecution.

10. Additional penalties:

a) The food production/ processing/ trading/ supply shall be partially or entirely suspended for a fixed period of 01 – 03 months if the violation prescribed in Clause 7 of this Article is committed;

b) The food production/ processing/ trading/ supply shall be partially or entirely suspended for a fixed period of 03 – 05 months if the violation prescribed in Clause 8 of this Article is committed;

c) The food production/ processing/ trading/ supply shall be partially or entirely suspended for a fixed period of 10 – 12 months if the violation prescribed in Clause 9 of this Article is committed;

d) The exhibits of the violation prescribed in Point c Clause 4 of this Article shall be confiscated;

dd) The certificate of registered product declaration shall be suspended for a fixed period of 10 - 12 months if the product is subject to mandatory registration of product declaration and the violation prescribed in Point a or Point b Clause 4, or Point a Clause 5 of this Article is committed;

e) The certificate of registered product declaration shall be suspended for a fixed period of 12 - 16 months if the product is subject to mandatory registration of product declaration and the violation prescribed in Clause 6 of this Article is committed;

g) The certificate of registered product declaration shall be suspended for a fixed period of 16 - 20 months if the product is subject to mandatory registration of product declaration and the violation prescribed in Clause 7 of this Article is committed;

h) The certificate of registered product declaration shall be suspended for a fixed period of 20 – 24 months if the product is subject to mandatory registration of product declaration and the violation prescribed in Clause 8 or Clause 9 of this Article is committed.

11. Remedial measures:

a) Enforced recall of foods if any of the violations prescribed in Clauses 1, 5, 6, 7, 8 and 9 of this Article is committed;

b) Enforced destruction of foods if any of the violations prescribed in Clauses 1, 6, 7, 8 and 9 of this Article is committed;

c) Enforced payment of costs of handling of food poisoning cases, examination and treatment for persons poisoned by foods if the violation prescribed in Point a Clause 6 or Point a Clause 8 of this Article is committed;

d) Enforced recall of the self-declaration form if the product is subject to mandatory self-declaration and any of the violations prescribed in Points a, b Clause 4, Point a Clause 5, Clauses 6, 7, 8 and 9 of this Article is committed.

Section 4. VIOLATIONS AGAINST REGULATIONS ON ADVERTISEMENT AND EDUCATION OF FOOD SAFETY; FOOD TESTING; RISK ANALYSIS, PREVENTION AND HANDLING OF FOOD SAFETY INCIDENTS; TRACING FOOD ORIGINS, RECALL OF DISQUALIFIED FOODS

Article 23. Violations against regulations on advertisement and education of food safety

1. A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed for lacking the text “Thực phẩm này không phải là thuốc và không có tác dụng thay thế thuốc chữa bệnh” (equivalent to “this product is not intended to diagnose, treat, cure or prevent any disease”) in the advertisement contents about dietary supplements.

2. A fine ranging from VND 10,000,000 to VND 15,000,000 shall be imposed for failing to provide information about food safety at the request of a competent authority.

3. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for posting, quoting or using a patient's statement that foods are used to treat or cure disease in order to advertise such foods.

4. A fine ranging from VND 50,000,000 to VND 70,000,000 shall be imposed for one of the following violations:

a) Releasing documents or publications that contain inaccurate or false information to serve the information dissemination and education of food safety;

b) Publishing inaccurate or false information about food safety on means of mass media.

5. Remedial measures:

a) Enforced recall of released documents and publications if the violation prescribed in Point a Clause 4 of this Article is committed;

b) Enforced destruction of documents and publications if the violation prescribed in Point a Clause 4 of this Article is committed;

c) Enforced removal or deletion of unsuitable advertisement contents if the violation prescribed in Clause 3 of this Article is committed;

d) Enforced correction of information that is untrue or causes misunderstanding if the violation prescribed in Clause 3 or Point b Clause 4 of this Article is committed.

Article 24. Violations against regulations on food testing and state inspection of safety of imported foods

1. A fine ranging from VND 15,000,000 to VND 20,000,000 shall be imposed for one of the following violations:

a) Providing false information about a testing facility's testing capacity or its scope of accredited tests serving the state inspection of food safety;

b) Failing to comply with regulations on reporting.

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

a) The testing facility fails to retain documents about tests done as regulated;

b) The state authority in charge of inspecting imported foods fails to retain inspection documents as regulated.

3. A fine ranging from VND 30,000,000 to VND 40,000,000 shall be imposed for swapping or forging food samples used for testing serving the state management of food safety but the violation is not serious enough for criminal prosecution.

4. A fine ranging from VND 40,000,000 to VND 60,000,000 shall be imposed for one of the following violations:

a) Altering or falsifying the certificate of analytical results, the test report, the notice of satisfactory inspection results of imported foods or other documents relating food testing and state inspection of safety of imported foods;

b) Deliberately altering testing results or results of state inspection of safety of imported foods;

c) Providing false testing results or false results of state inspection of safety of imported foods;

d) Providing the certificate of analytical results, the test report, or the notice of satisfactory inspection results without conducting testing or state inspection of food safety as regulated but the violation is not serious enough for criminal prosecution.

5. Additional penalties:

a) Food testing or state inspection of safety of imported foods shall be partially or entirely suspended for a fixed period of 06 – 12 months if the violation prescribed in Clause 3 or Clause 4 of this Article is committed;

b) The exhibits of the violation prescribed in Point a Clause 4 of this Article shall be confiscated.

6. Remedial measures:

a) Enforced correction of information if the violation prescribed in Point a Clause 1 of this Article is committed;

b) Enforced cancellation of testing results or the notice of satisfactory inspection results of imported foods if any of the violations prescribed in Points b, c and d Clause 4 of this Article is committed.

Article 25. Violations against regulations on prevention and handling of food safety incidents and solutions for food safety risk factors

1. A fine ranging from VND 3,000,000 to VND 5,000,000 shall be imposed for failing to report the detected food safety incidents to competent authorities.

2. A fine ranging from VND 5,000,000 to VND 7,000,000 shall be imposed for failing to adopt or improperly implementing measures for preventing food safety incidents at the request of a competent authority.

3. A fine ranging from VND 7,000,000 to VND 10,000,000 shall be imposed for failing to adopt or improperly implementing solutions for minimizing food safety risk factors at the request of a competent authority.

4. A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for concealing, altering or removing the scene or evidences of a food safety incident or deliberately obstructing the detection and handling of food safety incidents.

Article 26. Violations against regulations on tracing of origins of unsafe foods, food additives, food processing aids, food containers and/or primary packages

1. A fine ranging from VND 5,000,000 to VND 7,000,000 shall be imposed for failing to retain information or retaining insufficient information to serve the tracing of origins of foods.

2. A fine ranging from VND 7,000,000 to VND 10,000,000 shall be imposed for one of the following violations:

a) Failing to report the shipment of unsafe foods as regulated by laws;

b) Failing to report or submitting reports containing false information about the quantities of products of the shipment of unsafe foods, existing inventories and foods sold;

c) Failing to summarize and submit consolidated reports to competent authorities on disposal of unsafe products;

- d) Providing a report containing inaccurate information about the shipment of unsafe foods.
3. A fine ranging from VND 10,000,000 to VND 15,000,000 shall be imposed for recalling and disposing of unsafe foods inconsistently with applicable law regulations or requirements by competent authorities.
4. A fine ranging from VND 15,000,000 to VND 20,000,000 shall be imposed for failing to promptly implement preventive measures upon the detection of sold or used products failing to meet food safety requirements or having safety indicators found to be unconfirmable with the permissible limits prescribed in corresponding technical regulations/ standards or the declared limits; or the dietary supplements have a quality indicator contributing their effects found to be unconfirmable with the declared limits.
5. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for failing to recall unsafe foods as regulated by laws.
6. A fine equal to 01 – 02 times the product value shall be imposed for selling products or distributing the product shipment of which the sale or distribution must be suspended as notified by a competent authority or the recall decision has been granted by a competent authority.
7. Additional penalties:
- a) The exhibits of violation prescribed in Clause 6 of this Article shall be confiscated if they are not yet destroyed;
- b) The certificate of registered product declaration shall be suspended for a fixed period of 20 - 24 months if the product is subject to mandatory registration of product declaration and the violation prescribed in Clause 6 of this Article is committed.
8. Remedial measures:
- a) Enforced payment of an amount equal to the value of the exhibits of violation which have been destroyed if the violation prescribed in Clause 6 of this Article is committed;
- b) Enforced recall of the self-declaration form if the product is subject to mandatory self-declaration and the violation prescribed in Clause 6 of this Article is committed.

Chapter III

THE POWER TO RECORD ADMINISTRATIVE VIOLATIONS AND IMPOSE PENALTIES

Article 27. The power to record administrative violations

1. The persons having the power to impose administrative penalties mentioned in Articles 28, 29, 30, 31, 32, 33 and 34 of this Decree shall have the power to record administrative violations within the ambit of assigned functions, tasks and power.

2. Officials and public employees of health agencies, agencies of agriculture and rural development, agencies of industry and trade, and officials, public employees and persons of people's army or people's security forces working at the agencies specified in Articles 28, 29, 30, 31, 32, 33 and 34 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 field of food safety.

Article 28. Power of Chairpersons of people's committees

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

a) Impose fines of up to VND 5,000,000 for food safety violations committed by individuals and up to VND 10,000,000 for food safety violations committed by organizations;

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

c) Enforce the remedial measures mentioned in Point b Clause 3 Article 2 of this Decree.

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

a) Impose fines of up to VND 50,000,000 for food safety violations committed by individuals and up to VND 100,000,000 for food safety violations committed by organizations;

b) Suspend the certificate of food safety or the certificate of registered product declaration for a fixed period, or suspend the operation for a fixed period;

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

d) Enforce the remedial measures mentioned in Points b, c, d, dd, e, g, h, i, k and l Clause 3 Article 2 of this Decree.

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

a) Impose fines up to maximum fines prescribed herein;

b) Suspend the certificate of food safety or the certificate of registered product declaration for a fixed period, or suspend the operation for a fixed period;

c) Confiscate the exhibits and instrumentalities for committing administrative violations;

d) Enforce the remedial measures mentioned in Clause 3 Article 2 of this Decree.

Article 29. Power to impose penalties of inspectors

1. On-duty inspectors or persons who are assigned to conduct specialized inspections of food safety shall have the power to:

a) Impose fines of up to VND 500,000 for food safety violations committed by individuals and up to VND 1,000,000 for food safety violations committed by organizations;

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

c) Enforce the remedial measures mentioned in Point b Clause 3 Article 2 of this Decree.

2. Chief Inspectors of Provincial Departments of Health, Chief Inspectors of Provincial Departments of Agriculture and Rural Development, Chief Inspectors of Provincial Departments of Industry and Trade, Chief Inspectors of Provincial Departments of Culture, Sports and Tourism, Chief Inspectors of Provincial Departments of Information and Communications, Directors of Branches of Vietnam Food Administration, Directors of Provincial Departments of Crop Production and Plant Protection, Directors of Animal Husbandry and Veterinary Departments, Directors of Fisheries Departments, Directors of branches of the National Agro-Forestry-Fisheries Quality Assurance Department (NAFIQAD) and holders of equivalent positions assigned by the Government to conduct specialized inspections of food safety shall, within the ambit of their assigned duties, functions and powers, have the power to:

a) Impose fines of up to VND 50,000,000 for food safety violations committed by individuals and up to VND 100,000,000 for food safety violations committed by organizations;

b) Suspend the certificate of food safety or the certificate of registered product declaration for a fixed period, or suspend the operation for a fixed period;

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

d) Enforce the remedial measures mentioned in Clause 3 Article 2 of this Decree.

3. Heads of specialized inspection teams established by provincial-level authorities (including Provincial Departments of Health, Provincial Departments of Agriculture and Rural Development, Provincial Departments of Industry and Trade, Provincial Departments of Culture, Sports and Tourism, Provincial Departments of Information and Communications, Branches of Vietnam Food Administration, Provincial Departments of Crop Production and Plant Protection, Animal Husbandry and Veterinary Departments, Fisheries Departments, NAFIQAD's branches, and other provincial agencies), and heads of specialized inspection teams established by Directorates or Departments affiliated to the Ministry of Health, the Ministry of Agriculture and Rural Development, the Ministry of Industry and Trade, the Ministry of Culture, Sports and

Tourism, and the Ministry of Information and Communications (including the Directorate of Fisheries, the Department of Animal Health, the Plant Protection Department, the Department of Crop Production, the Department of Livestock Production, the National Agro-Forestry-Fisheries Quality Assurance Department (NAFIQAD), the Agro Processing and Market Development Authority, the Vietnam Food Administration, the Authority of Broadcasting and Electronic Information, the Authority of Press, the Agency of Publication, Print and Release, and other authorities of same level) shall have the power to impose penalties as regulated in Clause 2 of this Article.

4. Heads of ministerial-level specialized inspection teams established by the Ministry of Health, the Ministry of Agriculture and Rural Development, the Ministry of Industry and Trade, the Ministry of Culture, Sports and Tourism, and the Ministry of Information and Communications shall have the power to:

- a) Impose fines of up to VND 70,000,000 for food safety violations committed by individuals and up to VND 140,000,000 for food safety violations committed by organizations;
- b) Suspend the certificate of food safety or the certificate of registered product declaration for a fixed period, or suspend the operation for a fixed period;
- c) Confiscate the exhibits and instrumentalities for committing administrative violation worth less than the fine specified in Point a of this Clause;
- d) Enforce the remedial measures mentioned in Clause 3 Article 2 of this Decree.

5. Chief Inspectors of the Ministry of Health, the Ministry of Agriculture and Rural Development, the Ministry of Industry and Trade, the Ministry of Culture, Sports and Tourism, and the Ministry of Information and Communications, Directors of Directorate of Fisheries, the Department of Animal Health, the Plant Protection Department, the Department of Crop Production, the Department of Livestock Production, the National Agro-Forestry-Fisheries Quality Assurance Department (NAFIQAD), the Agro Processing and Market Development Authority, the Vietnam Food Administration, the Authority of Broadcasting and Electronic Information, the Authority of Press, the Agency of Publication, Print and Release, and holders of equivalent positions assigned by the Government to conduct specialized inspections of food safety shall, within the ambit of their assigned duties, functions and powers, have the power to:

- a) Impose fines up to maximum fines prescribed herein;
- b) Suspend the certificate of food safety or the certificate of registered product declaration for a fixed period, or suspend the operation for a fixed period;
- c) Confiscate the exhibits and instrumentalities for committing administrative violations;
- d) Enforce the remedial measures mentioned in Clause 3 Article 2 of this Decree.

Article 30. Power of People's public securities forces

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

Impose fines of up to VND 500,000 for food safety violations committed by individuals and up to VND 1,000,000 for food safety violations committed by organizations.

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

Impose fines of up to VND 1,500,000 for food safety violations committed by individuals and up to VND 3,000,000 for food safety violations committed by organizations.

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) Impose fines of up to VND 2,500,000 for food safety violations committed by individuals and up to VND 5,000,000 for food safety violations committed by organizations;

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

c) Enforce the remedial measures mentioned in Point b Clause 3 Article 2 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, and economic security department shall have the power to:

a) Impose fines of up to VND 25,000,000 for food safety violations committed by individuals and up to VND 50,000,000 for food safety violations committed by organizations;

b) Suspend the certificate of food safety or the certificate of registered product declaration for a fixed period, or suspend the operation for a fixed period;

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

d) Enforce the remedial measures mentioned in Points b, dd, e, g, h, i, k and l Clause 3 Article 2 of this Decree.

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

a) Impose fines of up to VND 50,000,000 for food safety violations committed by individuals and up to VND 100,000,000 for food safety violations committed by organizations;

b) Suspend the certificate of food safety or the certificate of registered product declaration for a fixed period, or suspend the operation for a fixed period;

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

d) Enforce the remedial measures mentioned in Points b, dd, e, g, h, i, k and l Clause 3 Article 2 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 investigation police department on smuggling crimes shall have the power to:

a) Impose fines up to maximum fines prescribed herein;

b) Suspend the certificate of food safety or the certificate of registered product declaration for a fixed period, or suspend the operation for a fixed period;

c) Confiscate the exhibits and instrumentalities for committing administrative violations;

d) Enforce the remedial measures mentioned in Points b, dd, e, g, h, i, k and l Clause 3 Article 2 of this Decree.

Article 31. Power to impose administrative penalties of Border Guard Forces

1. Soldiers on duty of Border Guard Forces shall have the power to:

Impose fines of up to VND 500,000 for food safety violations committed by individuals and up to VND 1,000,000 for food safety violations committed by organizations.

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

Impose fines of up to VND 2,500,000 for food safety violations committed by individuals and up to VND 5,000,000 for food safety violations committed by organizations.

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) Impose fines of up to VND 25,000,000 for food safety violations committed by individuals and up to VND 50,000,000 for food safety violations committed by organizations;

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

c) Enforce the remedial measures mentioned in Points b, dd, e, i and l Clause 3 Article 2 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) Impose fines up to maximum fines prescribed herein;
- b) Suspend the certificate of food safety or the certificate of registered product declaration for a fixed period, or suspend the operation for a fixed period;
- c) Confiscate the exhibits and instrumentalities for committing administrative violations;
- d) Enforce the remedial measures mentioned in Points b, dd, e, i and l Clause 3 Article 2 of this Decree.

Article 32. Power of marine police forces

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

Impose fines of up to VND 1,500,000 for food safety violations committed by individuals and up to VND 3,000,000 for food safety violations committed by organizations.

2. Coastguard team leaders shall have the power to:

Impose fines of up to VND 5,000,000 for food safety violations committed by individuals and up to VND 10,000,000 for food safety violations committed by organizations.

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

- a) Impose fines of up to VND 10,000,000 for food safety violations committed by individuals and up to VND 20,000,000 for food safety violations committed by organizations;
- b) Enforce the remedial measures mentioned in Point b Clause 3 Article 2 of this Decree.

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

- a) Impose fines of up to VND 20,000,000 for food safety violations committed by individuals and up to VND 40,000,000 for food safety violations committed by organizations;
- b) Confiscate the exhibits and instrumentalities for committing administrative violation worth less than the fines specified in Point a of this Clause;
- c) Enforce the remedial measures mentioned in Points a, b, dd, e, i and l Clause 3 Article 2 of this Decree.

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

a) Impose fines of up to VND 30,000,000 for food safety violations committed by individuals and up to VND 60,000,000 for food safety violations committed by organizations;

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

c) Enforce the remedial measures mentioned in Points a, b, dd, e, i and l Clause 3 Article 2 of this Decree.

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

a) Impose fines of up to VND 50,000,000 for food safety violations committed by individuals and up to VND 100,000,000 for food safety violations committed by organizations;

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

c) Enforce the remedial measures mentioned in Points a, b, dd, e, i and l Clause 3 Article 2 of this Decree.

7. Director General of Marine Police Department shall have the power to:

a) Impose fines up to maximum fines prescribed herein;

b) Suspend the certificate of food safety or the certificate of registered product declaration for a fixed period, or suspend the operation for a fixed period;

c) Confiscate the exhibits and instrumentalities for committing administrative violations;

d) Enforce the remedial measures mentioned in Points a, b, dd, e, i and l Clause 3 Article 2 of this Decree.

Article 33. Power of customs agencies

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

Impose fines of up to VND 500,000 for food safety violations committed by individuals and up to VND 1,000,000 for food safety violations committed by organizations.

2. Team leaders of Customs Branches and team leaders of Post-clearance Audit Branches shall have the power to:

Impose fines of up to VND 5,000,000 for food safety violations committed by individuals and up to VND 10,000,000 for food safety violations committed by organizations.

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) Impose fines of up to VND 25,000,000 for food safety violations committed by individuals and up to VND 50,000,000 for food safety violations committed by organizations;

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

c) Enforce the remedial measures mentioned in Points a, b, dd, e, h, k and l Clause 3 Article 2 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) Impose fines of up to VND 50,000,000 for food safety violations committed by individuals and up to VND 100,000,000 for food safety violations committed by organizations;

b) Suspend the certificate of food safety or the certificate of registered product declaration for a fixed period, or suspend the operation for a fixed period;

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

d) Enforce the remedial measures mentioned in Points a, b, dd, e, h, k and l Clause 3 Article 2 of this Decree.

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

a) Impose fines up to maximum fines prescribed herein;

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

c) Enforce the remedial measures mentioned in Points a, b, dd, e, h, k and l Clause 3 Article 2 of this Decree.

Article 34. Power of market surveillance units

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

a) Impose fines of up to VND 500,000 for food safety violations committed by individuals and up to VND 1,000,000 for food safety violations committed by organizations.

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

a) Impose fines of up to VND 25,000,000 for food safety violations committed by individuals and up to VND 50,000,000 for food safety violations committed by organizations;

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

c) Enforce the remedial measures mentioned in Points b, c, d, dd, e, g, h, i, k and l Clause 3 Article 2 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) Impose fines of up to VND 50,000,000 for food safety violations committed by individuals and up to VND 100,000,000 for food safety violations committed by organizations;

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

c) Suspend the certificate of food safety or the certificate of registered product declaration for a fixed period, or suspend the operation for a fixed period;

d) Enforce the remedial measures mentioned in Clause 3 Article 2 of this Decree.

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

a) Impose fines up to maximum fines prescribed herein;

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

c) Suspend the certificate of food safety or the certificate of registered product declaration for a fixed period, or suspend the operation for a fixed period;

d) Enforce the remedial measures mentioned in Clause 3 Article 2 of this Decree.

Article 35. Determination of power to impose penalties for administrative violations against regulations on food safety

1. Chairpersons of people's committees at all levels shall have the power to make records of administrative violations, impose penalties and remedial measures against administrative

violations prescribed in Article 4, Article 5, Article 6, Article 7, Article 8, Article 9, Article 10, Article 11, Article 12, Article 13, Article 14, Article 15, Article 16, Article 17, Article 18, Article 19, Article 20, Article 21, Article 22, Article 23, Article 24, Article 25, and Article 26 hereof within their powers defined in Article 28 hereof and the ambit of their assigned duties, functions and powers.

2. Persons having the power to impose penalties of inspection agencies, persons assigned to conduct specialized inspections of food safety of health agencies, agencies of agriculture and rural development, and agencies of industry and trade shall have the power to make records of administrative violations, impose penalties and remedial measures against administrative violations prescribed in Article 4, Article 5, Article 6, Article 7, Article 8, Article 9, Article 10, Article 11, Article 12, Article 13, Article 14, Article 15, Article 16, Article 17, Article 18, Article 19, Article 20, Article 21, Article 22, Article 23, Article 24, Article 25 and Article 26 hereof within their powers defined in Article 29 hereof and the ambit of their assigned duties, functions and powers.

3. Persons having the power to impose penalties of police agencies shall have the power to make records of administrative violations, impose penalties and remedial measures against administrative violations prescribed in Article 4, Article 5, Article 6, Article 7, Article 8, Article 9, Article 10, Article 11, Article 12, Article 13, Article 14, Article 15, Article 16, Article 17, Article 18, Article 19, Article 20, Article 21, Article 22, Article 23, Article 24, Article 25, and Article 26 hereof within their powers defined in Article 30 hereof and the ambit of their assigned duties, functions and powers.

4. Persons having the power to impose penalties of border guard forces as prescribed in Article 31 hereof and of coast guard forces as prescribed in Article 32 hereof shall have the power to make records of administrative violations, impose penalties and remedial measures against administrative violations against regulations on food safety regarding collection, selling, supply and import of foods prescribed in Clause 3, Point b Clause 4 and Clause 5 Article 4, Articles 10, 11, Clauses 1, 4 Article 19, Point a Clause 4 Article 20, Clause 2 Article 21, Point b Clause 1, Points b, c Clause 6 Article 22, Clause 6 Article 26 hereof within the ambit of their assigned duties, functions and powers.

5. Persons having the power to impose penalties of customs agencies as prescribed in Article 33 hereof shall have the power to make records of administrative violations, impose penalties and remedial measures against food safety violations which are prescribed in Clauses 1, 2, 4 Article 19, Clauses 2, 3, 4 Article 20, Article 21, Point a Clause 5, Clause 6, Clause 7, Clause 8, Clause 9 Article 22, Clause 4 Article 24 hereof, detected in the areas under the management of customs agencies and are not governed by the Government's Decree on administrative penalties for customs offences.

6. Persons having the power to impose penalties of market surveillance units as prescribed in Article 34 hereof shall have the power to make records of administrative violations, impose penalties and remedial measures against administrative violations prescribed in Article 4, Article 5, Article 6, Article 7, Article 8, Article 9, Article 10, Article 11, Article 12, Article 13, Article 14, Article 15, Article 16, Article 17, Article 18, Article 19, Article 20, Article 21, Article 22,

Article 23, Article 24, Article 25, and Article 26 hereof within the management of food safety by the Ministry of Industry and Trade and the ambit of their assigned duties, functions and powers.

7. Persons having the power to impose penalties of inspectorates of Information and Communications agencies as prescribed in Article 29 hereof shall have the power to make records of administrative violations, impose penalties and remedial measures against administrative violations prescribed in Article 23 hereof within the ambit of their assigned functions, duties and powers.

8. Persons having the power to impose penalties of inspectorates of Culture, Sports and Tourism agencies as prescribed in Article 29 hereof shall have the power to make records of administrative violations, impose penalties and remedial measures against administrative violations prescribed in Article 15, Clause 1 Article 18 and Article 23 hereof within the ambit of their assigned functions, duties and powers.

Chapter IV

IMPLEMENTATION PROVISIONS

Article 36. Entry into force

1. This Decree shall come into force from October 20, 2018.
2. This Decree supersedes the Government's Decree No. 178/2013/ND-CP dated November 14, 2013 on penalties for administrative violations against regulations on food safety.

Article 37. Transition clauses

1. Food safety offences committed before the date of entry into force of this Decree and discovered afterwards or under consideration shall be governed by the regulations that are advantageous to the organizations and individuals at fault.
2. Violations relating the product granted the Certificate of Declaration of conformity or the Certificate of Declaration of conformity with the food safety regulations which is still valid as regulated in Clause 1 Article 42 of the Government's Decree No. 15/2018/ND-CP dated February 02, 2018 shall be handled as follows:
 - a) If the product granted the Certificate of Declaration of conformity or the Certificate of Declaration of conformity with the food safety regulations as regulated in the Decree No. 15/2018/ND-CP is subject to the product self-declaration, the regulations on products subject to self-declaration hereof shall apply;
 - b) If the product granted the Certificate of Declaration of conformity or the Certificate of Declaration of conformity with the food safety regulations as regulated in the Decree No. 15/2018/ND-CP is subject to mandatory registration of the product declaration, the regulations on products subject to registration of the product declaration hereof shall apply.

Article 38. Post-market surveillance

1. The Ministry of Health, the Ministry of Agriculture and Rural Development, the Ministry of Industry and Trade and People's Committees of provinces and central-affiliated cities shall organize post-market surveillance of food safety by means of inspections and supervisions of food safety within the scope of their management as regulated; assign food safety agencies of ministries and people's committees to assume responsibility for post-market surveillance of food safety.
2. The post-market surveillance of manufacturers, sellers, importers or advertisers of foods must be regularly and consecutively made upon the declaration, production, import, trading or distribution, and advertisement of products, and other activities relating food production, processing, trading and testing, and state inspection of safety of imported foods.
3. Rules for prevention of overlapping of subjects, locations and times of post-market surveillance must be ensured. Overlapping cases shall be handled in accordance with regulations of the law on inspection and determination of duties to perform state management of food safety.

Article 39. Responsibility for implementation

1. The Minister of Health shall instruct, organize and inspect the implementation of this Decree.
2. The Minister of Agriculture and Rural Development and the Minister of Industry and Trade shall instruct, organize and inspect the implementation of this Decree within the scope of their management; cooperate with the Minister of Health in instructing, organizing and inspecting the implementation of this Decree.
3. Ministers, heads of ministerial-level agencies, heads of the Government's affiliates, Chairpersons of People's Committees of provinces and central-affiliated cities and relevant agencies, organizations and individuals shall be responsible for implementing this Decree./.

**ON BEHALF OF THE GOVERNMENT
PRIME MINISTER**

Nguyen Xuan Phuc