

## **THE GOVERNMENT**

### **DECREE No. 19/2001/ND-CP OF MAY 11, 2001 ON SANCTIONING ADMINISTRATIVE VIOLATIONS IN THE FIELD OF RADIATION SAFETY AND CONTROL**

#### **THE GOVERNMENT**

*Pursuant to the Law on Organization of the  
Government of September 30, 1992;*

*Pursuant to the Ordinance on Handling of  
Administrative Violations of July 6, 1995;*

*Pursuant to the Ordinance on Radiation Safety and  
Control of June 25, 1996;*

*At the proposal of the Minister of Science, Technology  
and Environment.*

d/ The competent person's decision on the destruction of documents no longer valuable;

e/ The record on the destruction of documents, and relevant documents.

The dossiers of destruction of documents no longer valuable must be filed at the agencies and organizations owning such destroyed documents for at least 20 years as from the date of destruction.

#### *Article 17.-*

1. Archives must be safely preserved in archival storages.

2. Archives of historical value must be preserved in specialized archival storages.

3. Particularly precious and rare archives must be preserved according to the regime of archives insurance.

The criteria for different types of archival storage and the regime of archives insurance shall be prescribed by the central archival office.

### **Section 2. USE OF ARCHIVES**

#### *Article 18.-*

1. Archives in historical archives may be widely exploited and used to meet the research requirements of the public at large, excluding those on the list of State secrets, and particularly precious and rare archives.

2. The head of historical archives shall have to publicize and introduce the list of archives to serve the exploitation and use thereof.

*Article 19.-* For particularly precious and rare archives, archives in danger of damage, only their copies may be exploited and used.

#### *Article 20.-*

1. The competence to permit the exploitation and use of national archives by domestic agencies, organizations and individuals is defined as follows:

a/ The heads of agencies and organizations may permit the exploitation and use of archives preserved at the archival sections of agencies and organizations under their management;

b/ The heads of the national archival centers may permit the exploitation and use of archives preserved at their centers, excluding those on the list of State secrets, and particularly precious and rare archives.

2. The permission for the exploitation and use of national archives by foreign organizations and individuals shall comply with the provisions of law.

#### *Article 21.-*

1. Domestic agencies, organizations and individuals may take archives abroad in service of official duties, scientific research and other legitimate needs after obtaining permission from the competent bodies and shall have to return them in full and undamaged.

2. It is strictly forbidden to take particularly precious and rare archives out of the Vietnamese territory; in special cases where the permission of the competent bodies is obtained, only the copies thereof may be taken out of the Vietnamese territory.

#### *Article 22.-*

1. Agencies or organizations that permit the exploitation and use of archives may also permit the copying thereof.

2. The archival offices may provide authentication for archives.

The procedures for copying of archives and the competence to provide authentication for archives shall be prescribed by the central archival office.

*Article 23.-* The publicization of documents belonging to Vietnam's national archives collection is prescribed as follows:

1. The Party's competent body shall prescribe the publicization of documents belonging to the archives collection of the Communist Party of Vietnam;

2. The Government shall prescribe the publicization of documents belonging to the archives collection of the State of Vietnam.

*Article 24.-* The fees for exploitation and use of archives shall comply with the provisions of law.

### **Chapter III**

#### **STATE MANAGEMENT OVER ARCHIVE**

*Article 25.-* The contents of State management over archive include:

1. Formulating and directing the implementation of the planning and plans on the development of archive;

2. Drafting, promulgating and organizing the implementation of, legal documents on archive;

3. Performing uniform management over national archives;

4. Collecting State statistics on archive;

5. Performing uniform management over the archival profession;

## DECREES:

*Chapter 1*

## GENERAL PROVISIONS

*Article 1.- Application objects and scope*

1. Organizations and individuals that intentionally or unintentionally commit acts of violating the regulations on *State management over radiation safety and control* but not seriously enough for penal liability examination shall be administratively sanctioned under the provisions of this Decree.

2. Administrative violations in the field of State management over radiation safety and control shall include:

a) Acts of violating the regulations on declaration, registration and permits prescribed in the Ordinance on Radiation Safety and Control;

b) Acts of violating the regulations on techniques to ensure radiation safety;

c) Acts of violating the specific provisions of the Ordinance on Radiation Safety and Control and the Government's Decree No. 50/1998/ND-CP of July 16, 1998 detailing the implementation of the Ordinance on Radiation Safety and Control.

*Article 2.- Term interpretation*

In this Decree, the following terms shall be construed as follows:

1. *Radiation equipment* mean the equipment which can emit ionized radiation, including those which can only emit radiation when in operation (like X-ray irradiators, accelerators...) and those which are affixed with radioactive sources inside (like remote radiotherapy equipment, close radiotherapy equipment, X-ray radiators for analytical use at jewelry shops, radiotherapy establishments, nuclear reactors...).

2. *Effective radioactive source* (in this Decree called radioactive source for short) include closed radioactive source and open radioactive source. Radioactive sources mean radioactive substances which are used together with machinery and equipment or used singly in the application of nuclear techniques to a set objective.

3. *Closed radioactive source* means the radioactive source in which the radioactive substances are enclosed with a specially-structured cover layer which prevents its radioactive elements from emitting into the environment under normal working conditions or in case of radiation incidents.

4. *Open radioactive source* means the radioactive source not enclosed in a specially-structured cover layer

like the closed radioactive source, from which the radioactive substances can leak out when radiation incidents occur.

5. *Special radiation jobs* mean jobs of installing, operating, repairing nuclear reactors, accelerators, radiotherapy machines, semi-industrial and industrial irradiation equipment, industrial image irradiation, overcoming radiation incidents, nuclear reactor breakdown and radiation jobs related to health and requiring special working environment.

6. *Radiation safety service* means activities in service of radiation safety jobs for radiation establishments, the provision of services on measuring personal irradiation dose, construction and renovation design, expansion and upgrading of radiation establishments such as X-ray room, nuclear medicine department, remote radiotherapy establishments, radioactive sources depots, radioactive substance and waste depots, radiation safety appraisal, assessment of radiation impact on environment, expertise of quality of radiation equipment, precision readjustment of radiation measuring devices and radiation equipment.

7. *Transportation index* means that used to control the irradiation, to quantify radioactive substances in radioactive cargo packs with a view to ensuring safety in the course of transportation.

8. *Body exercising the State management over radiation safety and control* means the Radiation and Nuclear Safety Board of the Ministry of Science, Technology and Environment.

*Article 3.- Principles on application of forms of sanctioning administrative violations*

1. The handling of administrative violations must be carried out by competent persons in strict accordance with the provisions of law.

2. Organizations and individuals shall only be sanctioned for administrative violations in the field of radiation safety and control when they commit acts of violation prescribed in Clause 2, Article 1.

3. All acts of administrative violation in the field of radiation safety and control must be detected in time and stopped immediately. The sanctioning must be carried out promptly and justly; all consequences caused by acts of administrative violation regarding radiation safety and control must be overcome in strict accordance with the provisions of this Decree. Organizations and individuals that commit acts of administrative violation regarding radiation safety and control and cause material damage, harms to human health, shall have to make compensation therefor according to the provisions of law.

4. An act of administrative violation regarding radiation safety and control shall be sanctioned only once.

A person committing many acts of administrative violation regarding radiation safety and control shall be sanctioned for every violation act.

If many persons commit an act of administrative violation regarding radiation safety and control, each of the violators shall be sanctioned.

5. The sanctioning of administrative violations regarding radiation safety and control must be based on the nature and seriousness thereof, the personal record as well as extenuating and aggravating circumstances in order to decide the sanctioning forms and appropriate handling measures according to the provisions of this Decree.

No sanction shall be imposed on administrative violations committed in the field of radiation safety and control in cases of urgency, legitimate defense, unexpected incidents or administrative violations committed while the violators are suffering from mental or other diseases which deprive them of the capacity to cognize or control their acts.

6. In case of pecuniary sanction, the specific sanctioning level for an act of violating the provisions of this Decree shall be the average level of the fine bracket prescribed for such act. Where the violation acts involve extenuating circumstances, the specific fine levels shall be lower than the average level, but must not be lower than the lowest level of the fine bracket. Where the violation acts involve aggravating circumstances, the specific fine levels shall be higher than the average level, but must not be higher than the highest level of the fine bracket.

7. The extenuating and aggravating circumstances shall comply with Article 7 and Article 8 of the Ordinance on Handling of Administrative Violations.

**Article 4.-** Forms of sanctioning administrative violations in the field of radiation safety and control

1. Forms of main sanction: warning or fine.

2. Forms of additional sanction:

a) Definite or indefinite deprivation of the right to use the radiation safety and control permits granted by the State body managing radiation safety and control;

b) Confiscation of material evidences and/or means used for commission of administrative violations in the field of radiation safety and control.

3. Application of other measures:

a) Forced decontamination of radiation-affected areas;

b) Forced restoration of the initial state already altered due to the administrative violation;

c) Forced destruction or burial of products, commodities which contain radioactive substances according to the regulations on radiation safety;

d) Forced renovation of construction structure, shields according to radiation safety standards in order to protect the surrounding environment.

e) Forced re-export of the imported material evidences of the violation according to the law provisions on environmental protection;

f) Forced arrangement of appropriate jobs for people under 18 years old, people suffering from forbidden diseases under the provisions of the Ministry of Health; pregnant or breast-feeding women under the provisions in Clause 1 of Article 6, Clause 3 of Article 10, of the Government's Decree No. 50/1998/ND-CP of July 16, 1998 and the Environment Law.

g) Forced compensation for damage: The compensation for damage caused by acts of administrative violation shall be made on the principle of agreement reached between the parties. For damage valued up to VND1,000,000, for which the parties cannot reach agreement on the compensation level, the persons with sanctioning competence shall decide; for damage valued more than VND1,000,000 for which the parties cannot reach agreement on the compensation level, the cases shall be settled according to civil procedures.

**Article 5.-** Statute of limitations for sanctioning administrative violations and time limits for being regarded as having not yet been administratively sanctioned

1. The statute of limitations for sanctioning an administrative violation in the field of radiation safety and control shall be one year as from the date the act of administrative violation is committed. The above time limit shall be two years for act of administrative violation in export, import of radiation sources, environmental protection. Beyond the above-mentioned time limits, the organizations and/or individuals that have committed the *administrative violations shall not be sanctioned, but may be subject to the application of measures prescribed at Points a, b, c, d, e and f, Clause 3, Article 4 of this Decree.*

2. For individuals who have committed acts of violating the legislation on radiation safety and control and been sued or prosecuted or got the decisions to bring their cases to trial according to the criminal procedures but later got the decisions to suspend the investigation or suspend the cases, they shall be administratively sanctioned if they have violated the provisions stated in this Decree; the statute of limitations for sanctioning administrative violations shall be three months as from the date the decision on suspension is issued.

3. Within the time limits prescribed in Clause 1 and Clause 2 of this Article, if organizations or individuals commit new administrative violations or deliberately evade or obstruct the sanctioning, the statute of limitations shall

be recalculated as from the time the new administrative violations are committed or from the time the acts of evading or obstructing the sanctioning terminate.

4. Organizations and individuals sanctioned for administrative violations regarding radiation safety and control, if one year after completion of the execution of the sanctioning decision or after the expiry of the effect for the execution of the sanctioning decision they do not relapse into the violations, shall be regarded as having not yet been sanctioned for administrative violations regarding radiation safety and control.

## *Chapter II*

### **VIOLATION ACTS, SANCTIONING FORMS AND LEVELS**

*Article 6.-* Acts of violating provisions on declaration and report

1. Warning or a fine of up to VND 200,000 shall be imposed on organizations or individuals for their late declaration and report, but not more than 30 days as compared to the time limit prescribed for one of the following subjects: radiation establishments, radioactive sources, radiation equipment, radioactive wastes.

2. A fine of between VND 3,000,000 and 5,000,000 shall be imposed on organizations and individuals for committing one of the following acts of violation:

- a) Making false or incomplete declarations and/or reports;
- b) Correcting, erasing dossiers in order to be eligible for licensing declaration and/or registration exemption;
- c) Failing to declare and report on radiation establishments;
- d) Failing to declare and report on radioactive sources, radioactive wastes;
- e) Failing to declare and report on radiation equipment.

*Article 7.-* Acts of violating the regulations on registration

A fine of between VND 5,000,000 and 10,000,000 shall be imposed on organizations or individuals for failing to register as prescribed: radiation establishments, radiation equipment, radioactive sources, radioactive wastes or places where radioactive wastes are stored and treated.

*Article 8.-* Acts of violating the regulations on export and/or import of radiation equipment, radioactive sources, import of radioactive wastes

1. A fine of between VND 5,000,000 and 10,000,000 shall be imposed on organizations or individuals for exporting

or importing radiation equipment and/or radioactive sources not according to the technical parameters inscribed in the permits.

2. A fine of between VND 50,000,000 and 100,000,000 shall be imposed on organizations or individuals for importing radioactive wastes.

3. The application of other measures: Forced re-export of the material evidences of the violation strictly according to the regulations on radiation safety.

*Article 9.-* Acts of violating the regulations on keeping, trading radiation equipment

1. A fine of between VND 30,000,000 and 50,000,000 shall be imposed on organizations or individuals for committing one of the following acts:

- a) Trading, distributing radiation equipment without permits granted by State management bodies in charge of radiation safety and control;
- b) Keeping radiation equipment, radioactive wastes without permits granted by State management bodies in charge of radiation safety and control.

2. Additional form of sanction: Confiscation of material evidences and means of violation.

*Article 10.-* Acts of violating the regulations on the transportation of radioactive sources, radioactive wastes

1. A fine of between VND 5,000,000 and 10,000,000 shall be imposed on organizations or individuals for committing one of the following acts regarding the transportation of radioactive sources and radioactive wastes:

- a) Transporting them not on the routes prescribed in the permits;
- b) Using packing not up to the prescribed radiation safety standards;
- c) Packing them not according to the prescribed radiation safety standards;
- d) Using the radioactive goods labels not in accordance with the regulation on radiation safety;
- e) Using the transport means not in accordance with the regulation on radiation safety;
- f) Transporting them without radiation safety personnel on escort (except for the transportation of radiation equipment which emit radiation only when in operation);
- g) Transporting cargo packs and consignments beyond the prescribed transportation indexes;
- h) Transporting them under conditions when the radiation dose in cabin and at people's seats reaches beyond the prescribed radiation safety limits.

2. A fine of between VND 20,000,000 and 40,000,000

shall be imposed on organizations or individuals for dropping radioactive sources, radioactive wastes in the course of transportation.

3. The application of other measures: Forced decontamination of radiation-affected areas for cases mentioned in Clause 2 of this Article.

**Article 11.-** Acts of violating the regulations on use permits granted by State management bodies in charge of radiation safety and control

1. A fine of between VND 5,000,000 and 10,000,000 shall be imposed on organizations or individuals for violating one of the following regulations:

a) Using radiation equipment in medical examination and treatment without permits;

b) Using radiation equipment for analyzing the structure, chemical composition of materials (including the determination of gold percentage), for goods inspection without permits;

c) Using radiation equipment for scientific research without permits;

2. A fine of between VND 8,000,000 and 15,000,000 shall be imposed on organizations or individuals for using radiation equipment for inspection of non-destruction of sample without permits.

3. Application of other measures:

Forced compensation for damage caused by acts of violation prescribed at Point a, Clause 1 of this Article, valued at up to VND 1,000,000.

**Article 12.-** Acts of violating the regulations on upgrading and/or expansion of radiation establishments

A fine of between VND 5,000,000 and 10,000,000 shall be imposed on organizations or individuals for violating one of the following regulations:

1. Upgrading, expanding the scope of operations of radiation establishments without permits granted by the State management bodies in charge of radiation safety and control;

2. Re-commissioning radiation establishments after their upgrading or expansion without permits for resumed operation, granted by the State management bodies in charge of radiation safety and control.

**Article 13.-** Acts of performing special radiation jobs without permits granted by the State management bodies in charge of radiation safety and control

A fine of between VND 2,000,000 and 5,000,000 shall be imposed on radiation personnel who perform special radiation jobs without permits as provided for in Clause 1, Article 24 of the Ordinance on Radiation Safety and Control.

**Article 14.-** Acts of violating the regulations on provision of radiation safety services

A fine of between VND 2,000,000 and 5,000,000 shall be imposed on organizations or individuals for committing one of the following acts of violation:

1. Providing radiation safety services without permits granted by the State management bodies in charge of radiation safety and control;

2. Failing to send results of personal radiation dose measurement to the State management bodies in charge of radiation safety and control as provided for in Clause 2, Article 13 of the Government's Decree No. 50/1998/ND-CP of July 16, 1998.

3. Additional sanctioning form: Deprivation of the right to use permits for a period of up to 6 months for acts of violation stated in Clause 1 of this Article.

**Article 15.-** Acts of violating the conditions prescribed in the permits granted by the State management bodies in charge of radiation safety and control

1. A fine of between VND 2,000,000 and 5,000,000 shall be imposed on organizations or individuals for breaching one of the conditions prescribed in the permits.

2. A fine of between VND 5,000,000 and 10,000,000 shall be imposed on organizations or individuals for using radiation sources for purposes other than those prescribed in the granted permits.

3. Additional sanctioning forms: Deprivation of the right to use permits for a period of up to 3 months for acts of violation prescribed in Clause 1 of this Article and indefinite deprivation of the right to use permits for acts of violation prescribed in Clause 2 of this Article.

**Article 16.-** Acts of using expired permits

1. Warning or a fine of up to VND 200,000 shall be imposed on organizations or individuals for using the operation permits and/or the radiation work performance permits, which have already expired but for not more than 30 days as from their expiry date.

2. A fine of between VND 3,000,000 and 5,000,000 shall be imposed on organizations or individuals for using expired operation permits and/or radiation work performance permits other than the cases prescribed in Clause 1 of this Article.

**Article 17.-** Acts of violating the regulations on dissolution of radiation establishments

A fine of between VND 10,000,000 and 20,000,000 shall be imposed on organizations or individuals for dissolving radiation establishments not according to the order and procedures prescribed in Article 15 of the Government's

Decree No. 50/1998/ND-CP of July 16, 1998.

**Article 18.-** Acts of violating the regulations on radioactive waste treatment and management

1. A fine of between VND 500,000 and 2,000,000 shall be imposed on organizations or individuals for committing one of the following acts:

a) Failing to compile dossiers on typical storage of radioactive waste of each discharge;

b) Failing to treat or having treated the radioactive wastes not according to the prescribed standards on radiation safety.

2. A fine of between VND 2,000,000 and 5,000,000 shall be imposed on organizations or individuals for using radioactive waste tanks and/or depots not according to the prescribed standards on radiation safety.

3. A fine of between VND 5,000,000 and 10,000,000 shall be imposed on organizations or individuals for failing to organize the gathering of radioactive wastes.

4. A fine of between VND 10,000,000 and 20,000,000 shall be imposed on organizations or individuals for discharging radioactive wastes into the environment beyond the permitted limits.

5. Application of other measures:

a) Forced renovation of construction structure, for acts of violation prescribed in Clause 2 of this Article;

b) Force decontamination of radiation-affected areas, for acts of violation prescribed in Clauses 3 and 4 of this Article;

c) Forced compensation for damage caused by acts of violation prescribed at Point b of Clause 1, Clause 3 and Clause 4 of this Article, valued at up to VND 1,000,000.

**Article 19.-** Acts of violating the regulations on location of radiation establishments

1. A fine of between VND 2,000,000 and 5,000,000 shall be imposed on organizations or individuals for locating radiation establishments not at prescribed places.

2. Application of other measures:

Forced removal to the prescribed places and decontamination of radiation-affected areas.

**Article 20.-** Acts of violating the regulations on sizes of rooms for performing radiation work

1. A fine of between VND 2,000,000 and 5,000,000 shall be imposed on organizations or individuals for using radiation work rooms with sizes below the prescribed standards.

2. Application of other measures: Forced modification.

**Article 21.-** Acts of violating the regulations on shield protection

1. A fine of between VND 2,000,000 and 5,000,000 shall be imposed on organizations or individuals for committing one of the following acts:

a) Letting radiation rays leak beyond the permitted dose limits;

b) Using the radiation work rooms with their walls, ceilings, floors, doors, windows being not thick enough under the radiation safety regulations, with windows and ventilating openings being not more than 2m high from their lower side to the ground outside.

2. Additional sanctioning form and other measures: Deprivation of the right to use permits for up to 3 months, forced modification of construction structures.

**Article 22.-** Acts of violating the regulations on environmental protection

1. A fine of between VND 5,000,000 and 10,000,000 shall be imposed on organizations or individuals for contaminating the environment with radiation beyond the permitted levels in the process of producing, processing and/or using radioactive substances, radioactive sources.

2. A fine of between VND 10,000,000 and 20,000,000 shall be imposed on organizations or individuals for failing to take timely remedial measures upon detecting the radiation contamination of environment.

3. Application of other measures: Forced decontamination of radiation-affected areas, for acts of violation prescribed in Clauses 1 and 2 of this Article.

**Article 23.-** Acts of violating the specific provisions of the Ordinance on Radiation Safety and Control and Decree No. 50/1998/ND-CP

1. Warning or a fine of up to VND 200,000 shall be imposed on organizations or individuals for violating one of the following provisions:

a) Having no radiation signboards affixed at prescribed places;

b) Having no internal regulations on radiation safety for radiation establishments;

c) Having no process for operating radiation equipment.

2. A fine of between VND 500,000 and 2,000,000 shall be imposed on organizations or individuals for failing to organize the archive of one of the following dossiers:

a) Dossier on radiation inspection of the environment;

b) Dossier on periodical maintenance of radiation safety machinery and system;

c) Dossier on the health of radiation personnel;

- d) Dossier on personal dose of radiation personnel;
- e) Dossiers on the upgrading or expansion of the scope of operation of radiation establishments, periodical quality inspection, annual standard inspection of radiation equipment, radioactive sources as prescribed;
- f) Diary on operation of equipment;
- g) Dossiers on various discharges of radioactive wastes;
- h) Dossiers on radiation equipment and radioactive sources;
- i) Dossiers on various drives of examination and inspection.

3. A fine of between VND 1,000,000 and 2,000,000 shall be imposed on organizations or individuals for violating one of the following regulations:

- a) Failing to appoint radiation safety chief;
- b) Having appointed radiation safety chief who has no certificate of training in radiation safety as provided for in Articles 5, 8 and 26 of Decree No.50/1998/ND-CP of July 16, 1998 of the Government;
- c) Failing to organize training and re-training in radiation safety knowledge for radiation personnel as provided for by the Government's Decree No.50/1998/ND-CP of July 16, 1998.

4. A fine of between VND 2,000,000 and 5,000,000 shall be imposed on organizations or individuals for violating one of the following regulations:

- a) Failing to conduct annual inventory of radiation sources;
- b) Failing to annually report on radiation safety situation to the State management bodies in charge of radiation safety and control;
- c) Having no plan to prevent and combat radiation incidents;
- d) Failing to conduct periodical radiation inspection of the environment around the radiation establishments;
- e) Failing to conduct periodical radiation inspection of the working places of radiation personnel;
- f) Having no radiation warning devices for establishments with reactors, accelerators, irradiator, remote radioactive therapy establishments, radioactive ore exploitation and processing establishments.

5. A fine of between VND 1,000,000 and 2,000,000 shall be imposed on organizations or individuals for failing to carry out the periodical maintenance of radiation equipment.

6. A fine of between VND 2,000,000 and 5,000,000 shall be imposed on organizations or individuals for violating

one of the following provisions:

- a) Recruiting people of under 18 years old to work as radiation personnel;
- b) Recruiting people who suffer from ailments for which they are prohibited from performing radiation jobs to work as radiation personnel;
- c) Failing to give medical examinations when recruiting radiation personnel;
- d) Failing to give periodical health check-ups to radiation personnel as prescribed;
- e) Letting pregnant women or feeding mothers to work with radiation;
- f) Failing to equip radiation personnel with personal radiation dose meters;
- g) Failing to organize periodical evaluation of personal radiation dose as prescribed;
- h) Failing to equip radiation personnel with proper labor protection devices;
- i) Failing to equip appropriate suction cabinets for jobs with radioactive substances producing gas, steam, sol gas;
- j) Having no shielding devices suited to each type of work of applying nuclear techniques;
- k) Failing to make periodical quality inspection of radiation equipment used for medical purpose;
- l) Failing to conduct annual standard inspection of radiation dose measuring devices, radioactive therapy sources;
- m) Erroneously correcting parameters of radiation equipment which are not put under standard inspection and permitted for use resumption.

7. A fine of between VND 10,000,000 and 15,000,000 shall be imposed on organizations or individuals for committing one of the following acts:

- a) Arbitrarily abandoning the radiation safety system;
- b) Failing to organize periodical maintenance of radiation safety systems.

#### 8. Application of other measures

Compulsory arrangement of appropriate jobs for radiation personnel for acts of violating the provisions at Points a, b and c of Clause 6 of this Article.

### *Chapter III*

#### **COMPETENCE AND PROCEDURES FOR SANCTIONING VIOLATIONS**

*Article 24.-* The sanctioning competence of the People's Committees at different levels



1. The presidents of the People's Committees of rural districts, urban districts, provincial capitals and towns are competent to:

- a) Serve warning;
- b) Impose a fine of up to VND 10,000,000;
- c) Confiscate material evidences, means used for commission of administrative violations, with a value of up to VND 100,000,000;
- d) Issue decisions to stop acts of violation and propose the competent State bodies to withdraw permits;
- e) Apply one or several other measures prescribed in Clause 3, Article 4 of this Decree.

2. The presidents of the People's Committees of the provinces and centrally-run cities are competent to:

- a) Serve warning;
- b) Impose a fine of up to VND 100,000,000;
- c) Confiscate material evidences, means used for commission of administrative violations;
- d) Strip of the right to use permits granted by the provincial/municipal Services of Science, Technology and Environment for up to 6 months or indefinitely;

In case of stripping of the right to use permits relating to the field of radiation safety and control, which are granted by superior State management bodies in charge of radiation safety and control, the presidents of the provincial-level People's Committees shall issue decisions to stop the violation acts, withdraw the permits and propose the competent bodies to strip of the right to use such permits.

- c) Apply one or several other measures prescribed in Clause 3, Article 4 of this Decree.

**Article 25.-** The sanctioning competence of the specialized radiation safety and control inspectorate

1. Specialized radiation safety and control inspectors of the Ministry of Science, Technology and Environment and the provincial/municipal Services of Science, Technology and Environment, while on duty, shall have the power to:

- a) Serve warning;
- b) Impose a fine of up to VND 200,000;
- c) Confiscate material evidences, means used for commission of administrative violations, with a value of up to VND 500,000;
- d) Apply one or several other measures prescribed at Clause 3, Article 4 of this Decree.

2. The specialized radiation safety and control chief inspectors of the provincial/municipal Services of Science, Technology and Environment shall have the power to:

- a) Serve warning;
- b) Impose a fine of up to VND 10,000,000;
- c) Confiscate material evidences, means used for commission of violations, with a value of up to VND 100,000,000;
- d) Strip of the right to use permits granted by directors of the provincial/municipal Services of Science, Technology and Environment for up to 6 months or indefinitely;
- e) Apply one or several other measures prescribed in Clause 3 of Article 4 of this Decree.

3. Specialized radiation safety and control chief inspector of the Ministry of Science, Technology and Environment shall have the power to:

- a) Serve warning;
- b) Impose a fine of up to VND 20,000,000;
- c) Strip of the right to use permits granted by the State management bodies in charge of radiation safety and control under the Ministry of Science, Technology and Environment or by the directors of the provincial/ municipal Services of Science, Technology and Environment for up to 6 months or indefinitely;
- d) Confiscate material evidences, means used for commission of violations;
- e) Apply one or several other measures prescribed at Clause 3, Article 4 of this Decree.

**Article 26.-** The sanctioning competence of the police offices, customs offices, market management offices, health inspectorate, labor inspectorate, environment inspectorate and other specialized inspectorates

The police offices, the customs offices, the market management offices, the specialized health inspectorate, the specialized labor inspectorate, the specialized environment inspectorate and other specialized inspectorate are competent to sanction administrative violations as provided for in Articles 29, 30, 33 and 34 of the Ordinance on Handling of Administrative Violations regarding the administrative violations related to radiation safety and control which fall under the scope of State management of their respective ministries and branches.

**Article 27.-** Responsibility of State management body in charge of radiation safety and control in handling administrative violations

The State management body in charge of radiation safety and control under the Ministry of Science, Technology and Environment shall perform the function of State management over radiation safety and control according to law and have to coordinate with other central and local competent bodies in handling administrative

violations regarding the radiation safety and control when so requested by these bodies.

**Article 28.- Sanctioning procedures**

1. Upon detecting acts of violation or signs of administrative violations regarding the radiation safety and control, the persons with sanctioning competence shall have to order the immediate cessation of acts of violation and demand organizations, individuals strictly comply with the law provisions on radiation safety and control.

2. Where acts of violation are clearly determined as being subject to the sanctioning form of warning, the persons with sanctioning competence shall decide in writing on the sanctioning right at the places where the violations are committed.

Where they deem that the violations may be subject to pecuniary penalty, the persons with sanctioning competence shall have to make record on the administrative violations in compliance with the provisions at Article 47 of the Ordinance on Handling of Administrative Violations.

3. After making record on the violation, if deeming that the violation handling needs the assessments and conclusions of specialized radiation safety and control bodies, the persons with sanctioning competence shall forward the violation dossiers and evidences as well as written request for expertise (if any) to the State management body in charge of radiation safety and control or the provincial/municipal Services of Science, Technology and Environment as provided for in Article 28 of this Decree for their assessments, conclusions on the violations as well as handling forms and measures commensurate to the violation acts.

Within 10 days after receiving the written request and violation dossiers as well as evidences, the State management body in charge of radiation safety and control or the provincial/municipal Services of Science, Technology and Environment must send their written opinions to the persons with competence to sanction the violations.

4. Within 15 days as from the date of making record on the violation, the competent persons shall have to issue decisions to sanction acts of violation; in case of serious violations involving many complicated circumstances, the above time limit may be prolonged but shall not exceed 30 days. The sanctioning decision and the contents thereof shall comply with the provisions in Article 48 of the Ordinance on Handling of Administrative Violations.

The effective date of a sanctioning decision shall be the date of its signing or other date stated in the sanctioning decision, which, however, must not exceed 30 days after its signing.

Sanctioning decisions must be sent to sanctioned organizations or individuals and the fine collecting bodies

within 5 days as from the dates of their signing, and at the same time to the State management body in charge of radiation safety and control under the Ministry of Science, Technology and Environment for coordination in monitoring and in carrying out procedures for formulation, amendment, suspension or cancellation of permits.

**Article 29.- Fining procedures**

The fining must comply with the following regulations:

1. The fine level, time limit and place for fine payment must be inscribed clearly in the sanctioning decision.

2. The fined organizations and individuals shall have to pay fines on time and at places prescribed in the sanctioning decisions and be given the fine collection receipts; when fines are collected, the money collection receipts issued by the Finance Ministry must be used.

3. The fine collectors are strictly forbidden to collect fines on spot.

4. The collected fine amounts must be paid into the State budget via accounts opened at the State Treasury.

5. The decisions to impose a fine of VND 2,000,000 or more must be sent to the People's Procuracy of the same level.

**Article 30.- Procedures to strip of the right to use permits**

1. The procedures for stripping of the right to use permits must comply with the provisions in Article 50 of the Ordinance on Handling of Administrative Violations.

The persons with sanctioning competence, when deciding on the application of the sanctioning form of stripping of the right to use permits, must clearly inscribe in the sanctioning decisions the titles, types and serial numbers of the permits, the duration of stripping of the right to use the permits, and at the same time notify such immediately in writing to the bodies which have issued such permits, clearly stating the reasons for the duration of stripping of the right to use permits.

Where they deem that the permit types or the use right deprivation duration are beyond their deciding competence, the persons with sanctioning competence must issue decisions to stop the violation acts and request the superior bodies with sanctioning competence or the bodies which have issued such permits to issue decisions to strip of the use right or to withdraw such permits.

2. The persons with sanctioning competence shall decide to apply form of definite deprivation of the permit use right to cases where they deem that the violating organizations or individuals may take measures to overcome and limit the consequences caused by their violations, cease violations and put rid of the causes and

conditions for repeated violations after a given period of time.

Upon the expiry of the time limit inscribed in the sanctioning decisions, the competent persons who have issued the decisions to stop of the permit use right must return such permits to organizations or individuals using such permits.

3. The persons with sanctioning competence shall decide to apply the form of indefinite deprivation of the permit use right or propose the bodies which have issued such permits to withdraw them immediately, to cases of organized, large-scale or repeated violations.

Where they detect that the permits have been granted not according to the prescribed competence or procedures or contained illegal contents, the persons with sanctioning competence must immediately withdraw such permits and at the same time promptly notify the bodies which have issued such permits and the bodies competent to grant and manage permits thereof.

**Article 31.- Procedures for temporary seizure of material evidences and means of administrative violations**

1. The competence and procedures to apply the measure of temporary seizure of material evidences and means of administrative violations shall comply with the provisions in Article 41 of the Ordinance on Handling of Administrative Violations.

2. The measure of temporary seizure of material evidences and means of administrative violations shall apply to cases where acts of violation must be immediately prevented or stopped or necessary evidences must be ensured to verify circumstances for use as basis for deciding the handling of violation.

3. Upon the expiry of the prescribed time limit for temporary seizure of material evidences and means of administrative violations, if deeming it necessary to apply the measure of confiscating the material evidences and means of administrative violations, the competent persons who have issued decisions to apply measure of temporary seizure of material evidences and means of administrative violations may issue decisions or propose the competent bodies to issue decisions to confiscate material evidences and means of administrative violations as provided for in Article 51 of the Ordinance on Handling of Administrative Violations and Article 32 of this Decree.

**Article 32.- Procedures for confiscation of material evidences and means of administrative violations**

The procedures for confiscation of material evidences and means of administrative violations in the field of radiation safety and control shall comply with the provisions in Article 51 of the Ordinance on Handling of

Administrative Violations.

**Article 33. Procedures for handling confiscated material evidences and means of administrative violations**

The procedures for handling confiscated material evidences and means of administrative violations in the field of radiation safety and control shall comply with the provisions in Article 52 of the Ordinance on Handling of Administrative Violations and the following regulations:

The measure of destruction shall apply to cases where the violation material evidences and/or means are the following objects:

1. The violation commodities may cause harms to human lives and health as well as the environment.

2. The violation commodities and/or articles have no use value.

**Article 34.- Execution of sanctioning decisions**

1. Where past 5 days after receiving the sanctioning decisions the sanctioned organizations or individuals fail to voluntarily abide by them, the persons with sanctioning competence shall issue decisions on forced execution of the sanctioning decisions.

2. The execution of sanctioning decisions, the forced execution of sanctioning decisions and the statute of limitations for execution of sanctioning decisions shall comply with the provisions in Articles 54, 55 and 56 of the Ordinance on Handling of Administrative Violations.

## Chapter IV

### SETTLEMENT OF COMPLAINTS, DENUNCIATIONS, HANDLING OF VIOLATIONS AND COMMENDATION

**Article 35.- Complaints and denunciations and the settlement thereof**

1. Organizations and individuals sanctioned for administrative violations in the field of radiation safety and control or their lawful representatives may complain about sanctioning decisions of persons competent to sanction administrative violations.

2. Citizens may denounce to competent bodies, organizations or individuals administrative violations in the field of radiation safety and control committed by other citizens and/or organizations or denounce illegal acts committed by persons competent to sanction administrative violations in the field of radiation safety and control.

Within 10 days after receiving the written complaints and/or denunciations, the bodies, organizations and individuals that receive the written complaints and/or

denunciations under their respective competence shall have to process and settle them *strictly according to the order and procedures* prescribed by the Law on Complaints and Denunciations.

**Article 36.-** Handling violations committed by persons competent to sanction administrative violations in the field of radiation safety and control

If persons with competence to sanction administrative violations in the field of radiation safety and control commit acts of violating the provisions on administrative sanctions, harassing, tolerating or covering up the violators, failing to impose sanction or sanctioning not according to their competence, they shall, depending on the nature and seriousness of their violations, be disciplined or examined for penal liability. Where material loss is caused to the State, organizations and/or individuals, compensation therefor must be paid according to the provisions of law.

**Article 37.-** Commendation and reward

Organizations and individuals that record achievements in supplying information on, detecting, preventing and/or handling administrative violations regarding radiation safety and control shall be commended and/or rewarded according to the general regime of the State.

### *Chapter V*

#### **IMPLEMENTATION PROVISIONS**

**Article 38.-** Implementation effect

1. This Decree takes effect 15 days after its signing.
2. To annul the provisions in Article 13 and Article 14 of Decree No.26/CP of April 26, 1996 of the Government stipulating the sanctioning of administrative violations regarding environmental protection.

**Article 39.-** Guiding the implementation of the Decree

The Minister of Science, Technology and Environment shall have to guide in detail and organize the implementation of this Decree.

**Article 40.-** Responsibility to implement the Decree

The ministers, the heads of the ministerial-level agencies, the heads of the agencies attached to the Government and the presidents of the People's Committees of the provinces and centrally-run cities shall have to implement this Decree.

*On behalf of the Government*  
*Prime Minister*  
**PHAN VAN KHAI**