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THE GOVERNMENT

DECREE No. 51/2006/ND-CP OF MAY 19, 2006, PROVIDING FOR THE SANCTIONING OF ADMINISTRATIVE VIOLATIONS IN THE DOMAIN OF RADIATION SAFETY AND CONTROL

THE GOVERNMENT

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

*Pursuant to the July 2, 2002 Ordinance on Handling
of Administrative Violations;*

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

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

DECREES:

Chapter I

GENERAL PROVISIONS

Article 1.- Scope of regulation and subjects of application

1. This Decree defines administrative violations in the domain of radiation safety and control, the sanctioning forms and levels, the sanctioning competence and procedures, and remedies for such violations.

2. This Decree applies to all individuals and organizations that intentionally or unintentionally commit acts of violating the provisions of law on state management in the domain of radiation safety and

control, which are, however, not crimes and must be administratively sanctioned according to the provisions of this Decree.

Foreign individuals or organizations that commit administrative violations in the domain of state management of radiation safety and control within the territory of the Socialist Republic of Vietnam shall also be sanctioned under this Decree; where it is otherwise provided for by treaties to which Vietnam is a contracting party, the provisions of such treaties shall apply.

3. Administrative violations in the domain of state management of radiation safety and control shall cover:

a/ Acts of violating the Radiation Safety and Control Ordinance's provisions on declaration, registration and permits;

b/ Acts of violating the regulations on conditions to ensure radiation safety;

c/ Acts of violating 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 (hereinafter called Decree No. 50/1998/ND-CP for short).

Article 2.- Interpretation of terms

In this Decree the terms below are construed as follows:

1. "Irradiation facilities" mean any ionizing radiation equipment, including equipment which radiates only when in operation (such as X-ray machines, accelerators...) and equipment attached with inner radioactive sources (such as remote radiotherapy equipment, piezo radiotherapy equipment, dosimeters used in industries and research, X-ray machines used in analysis at jeweler's, radiation establishments, nuclear reactors, etc.).

2. "Radioactive sources" mean radioactive materials which are used separately or together with equipment in the application of nuclear techniques for a certain purpose. Radioactive sources may be sealed or open.

3. "Sealed radioactive sources" mean radioactive materials encased in specially-structured capsules which help prevent its leakage into the environment under normal working conditions or in case of radiation incidents.

4. "Open radioactive sources" mean radioactive materials not encased in capsules but having the special structure like the sealed ones, which can be split in the use duration or easily leaked under normal use conditions.

5. "Radiation safety services" mean activities in service of radiation safety-related jobs of radiation establishments such as metering personal radiation dose; designing, building, renovating, expanding or upgrading such radiation establishments as X-ray chambers, nuclear medicine departments, remote radiotherapy establishments, radioactive source deposits, radioactive material and waste deposits; assessing radiation safety and impacts on the environment; inspecting quality of irradiation facilities; standardizing radiation meters and equipment.

6. "Transportation index" means the index used to control irradiation, to set the quantity of radioactive materials for radioactive goods packages so as to ensure safety in the transportation process.

Article 3.- Sanctioning principles

1. Individuals or organizations shall be sanctioned in the domain of radiation safety and control only when they commit acts of violation specified in Chapter II of this Decree.

2. All administrative violations, when detected, must be stopped immediately. The sanctioning of administrative violations must be conducted in a swift,

just and thorough manner; all consequences caused by administrative violations must be remedied in accordance with the provisions of law.

3. The sanctioning of administrative violations in the domain of radiation safety and control must be carried out by competent persons in strict compliance with the provisions of law on sanctioning of administrative violations.

4. An act of administrative violation shall be sanctioned only once; a person committing many acts of administrative violation shall be sanctioned for every act of violation; where many persons jointly commit an act of administrative violation, every violator shall be sanctioned.

5. The sanctioning of administrative violations must be based on the nature and severity of such violations, on personal records of the violators and on extenuating as well as aggravating circumstances so that appropriate sanctioning forms and levels as well as remedies shall be decided in accordance with the provisions of this Decree.

6. Sanctions shall not be imposed for administrative violations committed in cases of emergency, legitimate self-defense, unforeseeable incidents or when violators suffer from mental diseases or other diseases, which deprive them of the capacity to cognize or control their acts.

7. Where an individual or organization commits many acts of administrative violation at a time, including violations in the domain of radiation safety and control, the sanctioning competence shall be determined on the principles defined in Clause 3, Article 42 of the Ordinance on Handling of Administrative Violations.

8. When deeming that acts of administrative violation in the domain of radiation safety and control show signs of crimes, the competent persons defined

in Articles 23, 24 and 25 of this Decree shall transfer dossiers to competent criminal proceedings-conducting agencies for handling.

It is prohibited to apply administrative sanctions against violations showing signs of crimes in the domain of radiation safety and control.

9. The extenuating and aggravating circumstances shall comply with the provisions of Articles 8 and 9 of the 2002 Ordinance on Handling of Administrative Violations.

Article 4.- Sanctioning forms and remedies

1. For every act of administrative violation in the domain of radiation safety and control, the violating individuals or organizations shall be subject to one of the following principal sanctioning forms:

a/ Caution: This form shall apply to minor and first-time violations involving extenuating circumstances or to any act of administrative violation committed by minors aged between full 14 years and under 16 years;

b/ Fines: Based on the nature and severity of violations, the competent persons shall decide on fine levels within the prescribed fine bracket.

In case of fine, the specific fine level for an act of administrative violation shall be the average level of the fine bracket provided for such act without extenuating or aggravating circumstances. The average level of the fine bracket shall be determined by equally dividing the total of the minimum level and the maximum one.

For violations involving extenuating circumstances, the fine levels may be reduced but must not be lower than minimum level of the prescribed fine bracket.

For violations involving aggravating circumstances, the fine levels may be increased but must not be higher than maximum level of the prescribed fine bracket.

2. Depending on the nature and severity of their violations, individuals or organizations committing administrative violations in the domain of radiation safety and control may also be subject to one of the following additional sanctioning forms:

a/ Deprivation of the right to use permits in the domain of radiation safety and control for up to 6 months;

b/ Confiscation of material evidences and/or means used for commission of administrative violations.

3. Apart from the above principal and additional sanctioning forms, individuals or organizations committing administrative violations may also be compelled to apply one or some of the following remedies:

a/ Compelled decontamination of the contaminated areas up to the environmental standards;

b/ Compelled restoration of the initial state, which has been altered by administrative violations;

c/ Compelled destruction or burial of objects and/or goods containing radioactive materials strictly according to regulations on radiation safety;

d/ Compelled renovation of construction structures or shielding according to radiation safety standards so as to protect the surrounding environment;

e/ Compelled re-export of imported material evidences of violations under the provisions of law;

f/ Compelled recovery of material evidences which have been dispersed; search for radiation sources so as to restore the initial state;

g/ Compelled arrangement of appropriate jobs for persons under 18 years of age or persons affected with diseases prescribed by the Health Ministry; for pregnant or breastfeeding women according to the provisions of Clause 1, Article 6 and Clause 3, Article 10 of the Government's Decree No. 50/1998/ND-CP

of July 16, 1998, detailing the implementation of the Ordinance on Radiation Safety and Control and the Labor Code.

h/ Other remedies as provided for in Chapter II of this Decree.

Article 5.- Statute of limitations for sanctioning administrative violations and time limit for being considered as having not yet been sanctioned for administrative violations

1. The statute of limitations for sanctioning an administrative violation in the domain of radiation safety and control shall be two years as from the date such violation is committed. Past this time limit, the individual or organization that has committed the administrative violation shall not be sanctioned but still be subject to the remedies provided for in Clause 3, Article 4 of this Decree.

2. Where individuals have committed acts of violating the law on radiation safety and control and been subject to lawsuit initiation, prosecution or decisions to bring the cases to trial according to criminal procedures but later the decisions to terminate the investigation or the cases are issued, such individuals shall be administratively sanctioned, provided that their acts show signs of administrative violations; in this case, the statute of limitations for sanctioning of administrative violations shall be three months counting from the date the persons competent to impose sanctions receive the termination decisions and dossiers of the violations.

3. Within the time limits specified in Clauses 1 and 2 of this Article, if concerned individuals or organizations commit new acts of administrative violation in the domain of radiation safety and control or deliberately shirk or obstruct the sanctioning, the statute of limitations defined in Clauses 1 and 2 of this Article shall not apply. The statute of limitations for sanctioning of administrative violations shall be

recalculated counting from the time they commit new administrative violations or the time they stop their acts of shirking or obstructing the sanctioning.

4. If, within one year after executing sanctioning decisions or after the expiration of the statute of limitations for execution of sanctioning decisions, individuals or organizations sanctioned for administrative violations have not relapsed into the violations, they shall be considered as having not yet been sanctioned for administrative violations in radiation safety and control.

Chapter II

ACTS OF ADMINISTRATIVE VIOLATION, SANCTIONING FORMS AND LEVELS

Article 6.- Acts of violating the regulations on declaration

1. A fine of between VND 1,500,000 and VND 3,000,000 shall be imposed on individuals or organizations that commit one of the acts of violating the regulations on declaring radiation establishments, radioactive sources, irradiation facilities, radioactive materials or performance of radiation jobs, specifically:

a/ Committing frauds in making declaration or making incomplete declaration;

b/ Modifying, erasing dossiers in order to be qualified for exemption of declaration;

c/ Failing to declare radiation establishments;

d/ Failing to declare radioactive sources;

e/ Failing to declare irradiation facilities;

f/ Failing to declare radioactive wastes;

g/ Failing to declare the performance of radiation jobs.

2. Remedy: Compelling individuals or organizations violating the provisions of Clause 1 of this Article to make declaration in accordance with the provisions

of Article 22 of the Ordinance on Radiation Safety and Control.

Article 7.- Acts of violating the regulations on registration

1. A fine of between VND 1,500,000 and VND 3,000,000 shall be imposed on individuals or organizations that commit fraudulent acts in registering radioactive sources, irradiation facilities and radioactive waste deposits.

2. A fine of between VND 5,000,000 and VND 10,000,000 shall be imposed on individuals or organizations that have radioactive sources, irradiation facilities or radioactive wastes but fail to register them according to the regulations on radioactive sources and radioactive waste deposits.

3. Remedy: Compelling violating individuals or organizations defined in Clauses 1 and 2 of this Article to make registration according to the provisions of Article 23 of the Ordinance on Radiation Safety and Control.

Article 8.- Acts of violating the regulations on permits

1. A fine of between VND 1,500,000 and VND 3,000,000 shall be imposed on individuals or organizations that commit fraudulent acts in the process of applying for radiation safety permits under the provisions of the Ordinance on Radiation Safety and Control.

2. A fine of between VND 5,000,000 and VND 10,000,000 shall be imposed on individuals or organizations that commit one of the following acts without permits:

a/ Doing special radiation jobs;

b/ Providing services related to radiation safety.

3. A fine of between VND 5,000,000 and VND 15,000,000 shall be imposed on individuals or organizations that commit one of the following acts without permits:

a/ Using radioactive sources or irradiation facilities in medical examination or treatment;

b/ Using radioactive sources for analyzing the structure or chemical composition of materials, inspecting the quality of works, conducting security, metrological or goods quality check;

c/ Using radioactive sources or irradiation facilities for scientific tests or research.

4. A fine of between VND 15,000,000 and VND 25,000,000 shall be imposed on individuals or organizations that commit one of the following acts without permits:

a/ Importing, exporting, temporarily importing for re-export or temporarily exporting for re-import radioactive sources or irradiation facilities;

b/ Repairing, assembling, replacing radioactive sources or irradiation facilities;

c/ Turning out products or consumer goods containing radioactive materials;

d/ Transporting in transit radioactive sources, irradiation facilities or radioactive wastes.

5. A fine of between VND 30,000,000 and VND 50,000,000 shall be imposed on individuals or organizations that commit one of the following acts without permits:

a/ Producing sealed or open radioactive sources or irradiation facilities;

b/ Conducting irradiation activities (i.e., using accelerators, X-ray equipment, equipment using radioactive sources of high activity which may create a powerful radiation field for sterilization or handling

and preservation of commercial products) or radiographic activities;

c/ Exploiting or processing radioactive ores;

d/ Treating, burying radioactive wastes.

6. Remedies:

a/ Compelling individuals or organizations that commit violations defined in Clauses 2, 3, 4 and 5 of this Article to apply measures to ensure radiation safety;

b/ Compelling individuals or organizations that commit violations defined at Point c, Clause 4 of this Article to destroy or bury products or consumer goods containing radioactive sources in excess of the law-prescribed limits.

c/ Compelling individuals or organizations that commit violations defined in Clauses 1, 2, 3, 4 and 5 of this Article to apply for permits according to the provisions of Article 24 of the Ordinance on Radiation Safety and Control within 30 days after receiving the handling decisions of competent persons.

Article 9.- Acts of violating the regulations on upgrading and renovating radiation establishments

1. A fine of between VND 3,000,000 and VND 8,000,000 shall be imposed on individuals or organizations that commit one of the following acts without permits:

a/ Arbitrarily upgrading or expanding the scope of operation of radiation establishments;

b/ Resuming the operation of radiation establishments after upgrading or improving them.

2. Remedy: Compelling individuals or organizations that commit acts of violation defined in Clause 1 of this Article to apply for permits according to the provisions of Article 24 of the Ordinance on Radiation Safety and Control within 30 days after receiving the handling decisions of competent persons.

Article 10.- Acts of using expired permits

1. A fine of between VND 1,000,000 and VND 2,000,000 shall be imposed on individuals or organizations that use operation permits for radiation establishments, permits for conducting radiation jobs or permits for staff members doing special radiation jobs, which have expired, but for not more than 30 days as from the expiry date.

2. A fine of between VND 3,000,000 and VND 7,000,000 shall be imposed on individuals or organizations that use operation permits for radiation establishments, permits for conducting radiation jobs or permits for staff members doing special radiation jobs, which have expired, for cases other than those specified in Clause 1 of this Article.

3. Remedy: Compelling individuals or organizations that commit acts of violation defined in Clauses 1 and 2 of this Article to apply for permit extension according to the provisions of Article 26 of the Ordinance on Radiation Safety and Control within 30 days after receiving the handling decisions of competent persons.

Article 11.- Acts of violating the conditions set in permits

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

2. A fine of between VND 5,000,000 and VND 10,000,000 shall be imposed on individuals or organizations that use radioactive sources or irradiation facilities for purposes other than those stated in the permits issued by state management agencies in charge of radiation safety and control.

3. Additional sanctioning forms: Depriving of the right to use permits for up to 3 months, for acts of violation defined in Clause 1 of this Article, and for up

to 6 months, for violation acts defined in Clause 2 of this Article.

4. Remedy: Compelling individuals or organizations committing acts of violation defined in Clauses 1 and 2 of this Article to comply with the conditions prescribed in the permits.

Article 12.- Acts of violating the regulations on import and export of irradiation facilities, radioactive sources and radioactive wastes

1. A fine of between VND 5,000,000 and VND 10,000,000 shall be imposed on individuals or organizations that commit acts of importing or exporting irradiation facilities or radioactive wastes with technical parameters different from those stated in their permits.

2. A fine of between VND 10,000,000 and VND 20,000,000 shall be imposed on individuals or organizations that commit acts of importing irradiation facilities, radioactive sources or radioactive wastes on the list of goods banned from import.

3. Additional sanctioning form: Depriving of the right to use radiation safety permits for up to 6 months, for individuals or organizations committing violations mentioned in Clauses 1 and 2 of this Article.

4. Remedy: Compelling individuals or organizations committing violations mentioned in Clauses 1 and 2 of this Article to take immediate measures to ensure radiation safety and re-export material evidences of violations in strict compliance with the provisions of law.

Article 13.- Acts of violating the regulations on storing, preservation and transfer of radioactive sources, irradiation facilities and radioactive wastes

1. A fine of between VND 20,000,000 and VND 45,000,000 shall be imposed on individuals or

organizations that commit one of the following acts:

a/ Purchasing, selling, presenting, donating, borrowing, lending, renting or leasing radioactive sources or irradiation facilities without permits;

b/ Storing radioactive sources and temporarily preserving radioactive wastes without permits.

2. A fine of between VND 25,000,000 and VND 50,000,000 shall be imposed on individuals or organizations that lose, misplace or drop radioactive sources or irradiation facilities due to lack of responsibilities in their management and use.

3. A fine of between VND 50,000,000 and VND 70,000,000 shall be imposed on individuals or organizations that commit acts of violation defined in Clause 2 of this Article but deliberately decline to report thereon to state management agencies in charge of radiation safety and control.

4. Additional sanctioning form: Confiscating material evidences and means used by individuals or organizations for committing acts of violation defined at Points a and b, Clause 1 of this Article and bringing them to the nearest radioactive source deposits which have already been licensed by the Ministry of Science and Technology.

5. Remedies:

a/ Compelling individuals or organizations that commit acts of violation defined at Points a and b, Clause 1 of this Article to apply radiation safety measures according to the provisions of law and supply full information to state management agencies in charge of radiation safety and control.

b/ Compelling individuals or organizations that commit acts of violation defined in Clauses 2 and 3 of this Article to apply the following measures: immediately notifying state management agencies in charge of radiation safety and control and the nearest police offices thereof; searching for radioactive sources

to restore the initial state; all expenses therefor shall be borne by individuals or organizations managing and/or using radioactive sources or irradiation facilities.

Article 14.- Acts of violating the regulations on transportation of radioactive sources or radioactive wastes

1. A fine of between VND 5,000,000 and VND 10,000,000 shall be imposed on individuals or organizations that commit one of the following acts:

a/ Transporting radioactive sources or radioactive wastes at variance with the quantities, types or routes specified in the permits issued by competent authorities;

b/ Using means of transport in contravention of the regulations on radiation safety;

c/ Violating the regulations on packages, packing and symbols related to radiation safety in the transportation of radioactive sources or radioactive wastes;

d/ Transporting radioactive sources or radioactive wastes without staff members in charge of radiation safety (except for the transportation of irradiation facilities which irradiate only in operation);

e/ Transporting goods packages or goods lots in excess of the set transportation index;

f/ Transporting such goods under the conditions that the radiation dose in cabin or at passenger seats exceeds the prescribed radiation safety limit.

2. A fine of between VND 20,000,000 and VND 45,000,000 shall be imposed on individuals or organizations that commit acts of dropping radioactive sources or radioactive wastes in the course of transportation.

3. A fine of between VND 50,000,000 and VND 70,000,000 shall be imposed on individuals or organizations that commit acts of violation defined in

Clause 2 of this Article, affecting human health and the environment.

4. Additional sanctioning form: Depriving of the right to use permits for up to 3 months, for individuals or organizations that violate one of the provisions of Clause 1 of this Article.

5. Remedies:

a/ Compelling individuals or organizations violating one of the provisions of Clause 1 of this Article to conduct the transportation strictly according to the provisions of transport permits and apply the prescribed radiation safety measures;

b/ Compelling individuals or organizations committing violations defined in Clause 2 or 3 of this Article to apply the following measures: Immediately notifying state management agencies in charge of radiation safety and control and the nearest police offices thereof; recovering the dropped radioactive sources or radioactive wastes and decontaminating the contaminated areas up to environmental standards; all expenses therefor shall be borne by individuals or organizations that transport radioactive sources or radioactive wastes.

Article 15.- Acts of violating the regulations on service jobs related to radiation safety

1. A fine of between VND 3,000,000 and VND 10,000,000 shall be imposed on organizations or individuals that commit one of the following acts:

a/ Providing services related to radiation safety in violation of the regulations on radiation safety;

b/ Providing services related to radiation safety beyond the powers delegated by state management agencies in charge of radiation safety and control;

c/ Failing to periodically report on the results of metering personal radiation doses to state management agencies in charge of radiation safety

and control according to the provisions of law.

2. A fine of between VND 10,000,000 and VND 20,000,000 shall be imposed on individuals or organizations that use radioactive sources or irradiation facilities not up to the set quality standards for medical diagnosis, examination or treatment.

3. Additional sanctioning form: Depriving of the right to use permits for up to 6 months, for acts of violation defined in Clause 1 of this Article.

4. Remedies:

a/ Compelling individuals or organizations that commit acts of violation defined at Point a, Clause 1 of this Article to observe the regulations on radiation safety; or acts of violation defined at Point b, Clause 1 of this Article to strictly comply with their delegated powers;

b/ Compelling individuals or organizations that commit acts of violation defined at Point c, Clause 1 of this Article to report on the results of metering personal radiation doses according to the provisions of Clause 2, Article 13 of the Government's Decree No. 50/1998/ND-CP of July 16, 1998;

c/ Compelling individuals or organizations that commit acts of violation defined in Clause 2 of this Article to conduct repair or modification so as to attain the set quality standards.

Article 16.- Acts of violating the regulations on handling and management of radioactive wastes

1. A fine of between VND 3,000,000 and VND 8,000,000 shall be imposed on individuals or organizations that commit one of the following acts:

a/ Failing to compile dossiers on preservation of particularities of radioactive wastes of each discharge;

b/ Failing to treat or treating radioactive wastes not according to the set radiation safety standards.

2. A fine of between VND 5,000,000 and VND 10,000,000 shall be imposed on individuals or organizations that use radioactive waste tanks or deposits not according to the set radiation safety standards.

3. A fine of between VND 10,000,000 and VND 25,000,000 shall be imposed on individuals or organizations that fail to organize the collection of radioactive wastes.

4. A fine of between VND 20,000,000 and VND 45,000,000 shall be imposed on individuals or organizations that discharge radioactive wastes in excess of the prescribed limits, adversely affecting human health and the environment.

5. Remedies:

a/ Compelling the renovation of radioactive waste tanks or deposits up to the set standards, for acts of violation defined in Clause 2 of this Article;

b/ Compelling the decontamination of contaminated areas, for acts of violation defined in Clauses 3 and 4 of this Article, so as to attain environmental standards;

c/ Compelling individuals or organizations committing violations defined in Clause 3 of this Article to collect radioactive wastes according to regulations;

d/ Compelling individuals or organizations committing violations defined in Clause 4 of this Article not to discharge radioactive wastes into the environment in excess of the prescribed limits.

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

1. A fine of between VND 5,000,000 and VND 15,000,000 shall be imposed on individuals or organizations that locate radiation establishments at sites other than those approved by state management agencies in charge of radiation safety and control.

2. Remedy: Compelling the relocation of radiation establishments to the sites already approved by state management agencies in charge of radiation safety and control.

Article 18.- Acts of violating the regulations on shielding and room sizes for radiation jobs

1. A fine of between VND 3,000,000 and VND 8,000,000 shall be imposed on individuals or organizations that commit one of the following acts:

a/ Leaking radiation rays in excess of the permitted radiation doses;

b/ Using rooms for performing radiation jobs, with walls, ceilings, floors, doors or windows being not thick enough according to radiation safety regulations or with the height from the window's or air vent's bottom rail to the ground outside being less than 2 meters.

2. A fine of between VND 3,000,000 to VND 10,000,000 shall be imposed on individuals or organizations that use rooms with sizes not up to the prescribed standards for performance of radiation jobs.

3. Additional sanctioning form: Depriving of the right to use permits for up to 3 months, for individuals or organizations violating the provisions of Clause 1 of this Article.

4. Remedies:

a/ Compelling individuals or organizations violating Clause 1 of this Article to renovate the rooms so that they have appropriate structure under the regulations on radiation shielding;

b/ Compelling individuals or organizations violating Clause 2 of this Article to renovate the rooms so that they have appropriate sizes according to set standards for performance of radiation jobs.

Article 19.- Acts of violating the regulations on

environmental protection

1. A fine of between VND 10,000,000 and VND 20,000,000 shall be imposed on individuals or organizations that produce, treat or use radioactive materials or sources, causing the environment contamination.

2. A fine of between VND 15,000,000 and VND 30,000,000 shall be imposed on individuals or organizations that fail to promptly take measures when detecting the contamination of the environment.

3. A fine of between VND 35,000,000 and VND 70,000,000 shall be imposed on individuals or organizations that bury or treat radioactive wastes, thereby contaminating or affecting the environment and people's health.

4. Additional sanctioning form: Depriving of the right to use permits in the domain of radiation safety and control for up to 6 months, for individuals or organizations that commit acts of violation defined in Clauses 1, 2 and 3 of this Article.

5. Remedies:

a/ Compelling the decontamination of contaminated areas up to the environmental standards, for acts of violations defined in Clauses 1 and 2 of this Article;

b/ Compelling individuals or organizations that commit acts of violation defined in Clause 3 of this Article to observe the provisions of Point a, Clause 5 of this Article and bury or treat radioactive wastes up to environmental standards;

c/ Remedying expenses shall be borne by individuals or organizations that commit acts of violation defined in Clauses 1, 2 and 3 of this Article.

Article 20.- Acts of violating the specific provisions of the Ordinance on Radiation Safety and Control and

Decree No. 50/1998/ND-CP

1. A caution or fine of between VND 200,000 and VND 1,000,000 shall be imposed on individuals or organizations that commit one of the following violations:

a/ Failing to put up radiation-warning signboards or lights at prescribed places;

b/ Failing to work out radiation safety regulations for radiation establishments;

c/ Having no processes for operation of irradiation facilities.

2. A fine of between VND 2,000,000 and VND 3,000,000 shall be imposed on individuals or organizations that fail to keep one of the following dossiers:

a/ The dossier on radiological survey;

b/ The dossier on periodical maintenance of radiation safety machinery and systems;

c/ The medical dossiers of radiation staff members;

d/ The dossiers on personal radiation doses of radiation staff members;

e/ The dossiers on the upgrading and expansion of the scope of operation of radiation establishments, quality inspection, periodical expertise and annual standardization of irradiation facilities and radioactive sources under regulations;

f/ The equipment operation logbooks;

g/ The dossiers on the discharge of radioactive wastes;

h/ The dossiers on irradiation facilities and radioactive sources.

3. A fine of between VND 3,000,000 and VND 5,000,000 shall be imposed on individuals or organizations that commit one of the following

violations:

a/ Failing to appoint persons to take charge of radiation safety;

b/ Appointing persons without radiation safety training certificates as prescribed in Articles 5, 8 and 26 of the Government's Decree No. 50/1998/ND-CP of July 16, 1998 to take charge of radiation safety;

c/ Failing to organize training and retraining on radiation safety knowledge for radiation staff members according to the provisions of the Government's Decree No. 50/1998/ND-CP of July 16, 1998;

d/ Failing to set up radiation incident prevention and fighting teams suitable with the scope of the establishments' operation.

4. A fine of between VND 2,000,000 and VND 5,000,000 shall be imposed on individuals or organizations that commit one of the following violations:

a/ Recruiting people aged under 18 years to work as radiation staff members;

b/ Recruiting people affected with forbidden diseases to work as radiation staff members;

c/ Failing to give regular health-checks to radiation staff members under regulations;

d/ Letting pregnant or breastfeeding women to perform radiation-related work;

e/ Failing to equip radiation staff members with personal radiation dosimeters;

f/ Failing to organize periodical evaluation of personal radiation doses under regulations;

g/ Failing to equip radiation staff members with appropriate labor protection devices;

h/ Failing to equip appropriate radiation absorbers for jobs related to radioactive materials, which emit

gas, steam or aerosol;

i/ Having no appropriate shields for every type of job applying nuclear techniques;

j/ Failing to conduct periodical quality inspection of irradiation facilities for medical use;

k/ Failing to conduct annual standardization of radiation dosimeters or radiotherapeutic sources;

l/ Modifying, falsifying parameters of irradiation facilities without standardization and permission for their use resumption.

5. A fine of between VND 5,000,000 and VND 10,000,000 shall be imposed on individuals or organizations that commit one of the following violations:

a/ Failing to inventory radioactive sources annually;

b/ Failing to report on the annual radiation safety situation to state management agencies in charge of radiation safety and control;

c/ Failing to conduct periodical radiological survey of the environment surrounding radiation establishments;

d/ Failing to conduct periodical radiological survey of working places of radiation staff members;

e/ Failing to equip establishments that have reactors, accelerators or irradiators, remote radiotherapy establishments or establishments exploiting and processing radioactive ores with radiation warning devices;

f/ Having no radiation incident-prevention and -fighting plans;

g/ Failing to promptly detect or handling radiation incidents at variance with the plans;

h/ Failing to promptly report to state management agencies in charge of radiation safety and relevant

agencies;

i/ Failing to apply all measures under their responsibilities in case of radiation incidents;

j/ Failing to obey or to strictly obey orders on urgent mobilization of manpower, supplies or means for redressing the radiation incidents;

k/ Obstructing the implementation of or failing to strictly follow instructions when functional agencies redress the radiation incidents.

6. A fine of between VND 10,000,000 and VND 15,000,000 shall be imposed on individuals or organizations that commit one of the following acts:

a/ Removing radiation safety protection systems without permission;

b/ Failing to organize periodical maintenance of radiation safety protection systems, which leads to the violation of radiation safety regulations.

7. Remedies

a/ Compelling individuals or organizations that commit violations defined in Clause 1 of this Article to put up signboards or elaborate entry and exit regulations of radiation establishments; and to formulate process of operation of irradiation facilities;

b/ Compelling individuals or organizations that commit violations defined in Clause 2 of this Article to make and keep dossiers on radiation safety and control;

c/ Compelling individuals or organizations that commit violations defined at Points a, b and c, Clause 3 of this Article to observe the regulations on appointment of persons to take charge of radiation safety and provide radiation safety training for them as well as for radiation staff members; individuals or organizations that commit violations defined at Point d, Clause 3 of this Article to set up radiation incident

prevention and fighting teams suitable with the scope of operation of the establishments;

d/ Compelling individuals or organizations that commit violations defined at Points a, b and d, Clause 4 of this Article to implement the provisions of Point g, Clause 3, Article 4 of this Decree; those that commit violations defined at Points c, e, f, g, Clause 4 of this Article to go through health checks, and equip radiation staff members with personal dosimeters or labor protection devices; and those that commit violations defined at Points h, i, j, k and l, Clause 4 of this Article to standardize and expertise irradiation facilities and safety equipment in accordance with the provisions of law;

e/ Compelling individuals or organizations that commit violations defined at Points a and b, Clause 5 of this Article to conduct inventory and report on the situation of radiation safety; those that commit violations defined at Points c and d, Clause 5 of this Article to conduct periodical radiological survey according to regulations; those that commit violations defined at Points e, Clause 5 of this Article to equip radiation warning machines; and those that commit violations defined at Points f, g, h, i, j and k, Clause 5 of this Article to adopt plans for radiation incident prevention and fighting; handle incidents according to plans; promptly report to management agencies in charge of radiation safety and relevant agencies; apply all measures within the ambit of their responsibilities in case of radiation incidents; abide by orders on urgent mobilization of manpower, supplies and means to remedy incidents; and follow instructions when functional agencies redress radiation incidents.

Article 21.- Acts of violating the regulations on dissolution of radiation establishments

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

organizations that dissolve radiation establishments in contravention of the procedures and order provided for in Article 15 of the Government's Decree No. 50/1998/ND-CP of July 16, 1998.

2. Remedy: Compelling individuals or organizations that have dissolved radiation establishments to strictly comply with the procedures and order on dissolution of radiation establishments according to the provisions of law.

Article 22.- Acts of obstructing the state management in the domain of radiation safety and control

1. A caution or a fine of between VND 100,000 and VND 200,000 shall be imposed on individuals or organizations that commit one of the following acts:

a/ Refusing to supply information or documents on contents related to radiation safety inspection or examination;

b/ Supplying incomplete information to persons competent to inspect or examine radiation safety.

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

a/ Insulting or threatening officers who are performing official duty in the domain of radiation safety and control;

b/ Shirking, hindering or delaying the realization of contents, requests or proposals of persons competent to conduct or decide on inspection or examination of radiation safety and control.

Chapter III

SANCTIONING COMPETENCE AND PROCEDURES

Article 23.- Sanctioning competence of the

People's Committees at all levels

1. Presidents of district-level People's Committees shall have the power:

- a/ To impose caution;
- b/ To impose fines of up to VND 20,000,000;
- c/ To confiscate material evidences and means used for commission of administrative violations;
- d/ To apply one or several remedies according to the provisions of Points a, b, c, d, f, g and h, Clause 3, Article 4 of this Decree.

2. Presidents of provincial-level People's Committees shall have the power to apply forms of sanctioning administrative violations provided for in Article 30 of the Ordinance on Handling of Administrative Violations with regard to administrative violations defined in Chapter II of this Decree, including:

- a/ Caution;
- b/ Fine of up to VND 70,000,000;
- c/ Confiscation of material evidences and means used for commission of administrative violations;
- d/ Deprivation of the right to use permits granted by provincial/municipal Science and Technology Services for up to 6 months;

In case of depriving of the right to use permits in the domain of radiation safety and control, issued by superior state management agencies in charge radiation safety and control, presidents of provincial-level People's Committees shall issue decisions to stop acts of violation, withdraw permits and request competent agencies to deprive of the right to use such permits.

e/ Application of one or several measures provided for in Clause 3, Article 4 of this Decree.

Article 24.- Sanctioning competence of radiation

safety and control-specialized inspectorates

1. Radiation safety and control-specialized inspectors of the Ministry of Science and Technology and provincial/municipal Science and Technology Services, who are on duty, shall have the power to apply sanctioning forms defined in Chapter II of this Decree to administrative violations, including:

- a/ Caution or fine of up to VND 200,000;
- b/ Confiscation of material evidences and means used for commission of administrative violations, which are valued at up to VND 2,000,000;
- c/ Application of the remedies provided for at Points a, b, c, d, f, g and h, Clause 3, Article 4 of this Decree.

2. The chief inspectors of provincial/municipal Science and Technology Services shall have the power to apply the sanctioning forms defined in Chapter II of this Decree to administrative violations, including:

- a/ Caution or fine of up to VND 20,000,000;
- b/ Confiscation of material evidences and means used for commission of administrative violations;
- c/ Application of the remedies provided for at Points a, b, c, d, f, g and h, Clause 3, Article 4 of this Decree.

3. The chief inspector of the Ministry of Science and Technology shall have the power to apply sanctioning forms defined in Chapter II of this Decree to administrative violations, including:

- a/ Caution or fine of up to VND 70,000,000;
- b/ Confiscation of material evidences and means used for commission of administrative violations;
- c/ Deprivation of the right to use permits issued by state management agencies in charge of radiation safety and control under the Ministry of Science and Technology or by directors of provincial/municipal Science and Technology Services, for up to 6 months;

d/ Application of the remedies provided for in Clause 3, Article 4 of this Decree.

Article 25.- Sanctioning competence of the people's police, border-guards, coast guards, customs offices, market management forces and other specialized inspectorates

The people's police, border-guards, coast guards, customs offices, market management forces and other specialized inspectorates shall have the power to sanction administrative violations according to the provisions of Articles 31, 32, 33, 34, 37 and 38 of the 2002 Ordinance on Handling of Administrative Violations with regard to administrative violations related to radiation safety and control under the state management scope of their respective ministries or branches.

Article 26.- Responsibilities of state management agencies in charge of radiation safety and control in handling of administrative violations

The Agency for Radiation and Nuclear Safety and Control under the Ministry of Science and Technology shall assist the Minister in performing the function of state management of radiation safety and control, and coordinate with other central and local competent agencies in handling administrative violations and remedying radiation incidents according to the regulations on radiation safety and control and at the latter's request.

Article 27.- Principles for defining the sanctioning competence

1. Presidents of provincial- or district-level People's Committees shall have the power to sanction administrative violations in the domain of radiation safety and control in their respective localities.

2. Chief inspectors and specialized inspectors of the Ministry of Science and Technology, and provincial/

municipal Science and Technology Services shall have the power to sanction administrative violations in the domain of radiation safety and control which fall under the management scope of the heads of the same level.

Where administrative violations go beyond the sanctioning competence of chief inspectors of provincial/municipal Science and Technology Services, the violation dossiers shall be transferred to presidents of provincial-level People's Committees for sanctioning such violations according to their competence.

3. The competence of the persons defined in Article 25 of this Decree to sanction administrative violations in the domain of radiation safety and control shall comply with the provisions of Article 42 of the Ordinance on Handling of Administrative Violations.

Article 28.- Procedures for sanctioning administrative violations

1. When detecting administrative violations or signs of administrative violations on radiation safety and control, the persons competent to impose sanctions shall have to immediately order the termination of such violations and ask concerned individuals or organizations to strictly comply with the provisions of law on radiation safety and control.

2. If clearly determining that the violations are subject to caution, the persons competent to impose sanctions shall not make records but issue sanctioning decisions right at the places of violations.

If deeming that the violations may be subject to fines, the persons competent to impose sanctions shall make records on such administrative violations according to the provisions of Article 55 of the Ordinance on Handling of Administrative Violations. The persons making records of administrative violations must create conditions for violating individuals or organizations to express their opinions

on the violations.

3. If deeming that the handling of violations needs evaluations or conclusions of radiation safety and control professional agencies, the persons competent to impose sanctions shall only make inspection, examination or control records to serve as a basis for handling. At the same time, the persons competent to impose sanctions shall send dossiers and material evidences of violations as well as written requests for expertise to state management agencies in charge of radiation safety and control according to the provisions of Article 26 of this Decree or to provincial/municipal Science and Technology Services for evaluating or concluding opinions on the violations as well as for suggestions on handling forms and measures appropriate to the violations.

Within 10 days after receiving written requests as well as dossiers and material evidences of violation, state management agencies in charge of radiation safety and control or provincial/municipal Science and Technology Services shall have to give written opinions to the persons competent to sanction administrative violations on radiation safety and control.

4. Within 10 days after making records of administrative violations, competent persons shall issue decisions on sanctioning administrative violations. For serious violations involving many complicated circumstances, the above time limit may be prolonged but shall not exceed 30 days. The issuance of sanctioning decisions and contents of such decisions must comply with the provisions of Article 56 of the 2002 Ordinance on Handling of Administrative Violations.

The effective date of a sanctioning decision shall be the date of its signing, except otherwise provided for in such decision.

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

within 3 days as from the date of their signing, and concurrently to state management agencies in charge of radiation safety and control under the Ministry of Science and Technology for coordinated monitoring and implementation of the procedures for permit issuance, modification, invalidation and cancellation.

Article 29.- Procedures for deprivation of the right to use permits

1. When depriving of the right to use permits, the persons competent to impose sanctions shall seize permits as stated in the sanctioning decisions and immediately notify the permit-issuing bodies thereof.

2. Upon the expiration of the deprivation of the right to use permits stated in the sanctioning decisions, the persons competent to impose sanctions shall have to hand the permits to individuals or organizations that are deprived of the right to use such permits.

3. When detecting that the permits have been issued ultra vires or contained illegal contents, the persons competent to impose sanctions shall have to withdraw them immediately; and at the same time, notify such to the competent state agencies.

Article 30.- Procedures for seizure of material evidences and means of administrative violations

1. The competence and procedures for application of the measure of seizing the material evidences and means of administrative violations shall comply with the provisions of Article 46 of the 2002 Ordinance on Handling of Administrative Violations.

2. The measure of seizing the material evidences and means of administrative violations shall apply in cases where it is necessary to prevent acts of violation or assure necessary material evidences to verify circumstances to serve as a basis for deciding on the handling of violations.

With regard to individuals or organizations that commit violations defined in Clause 3; Points a and b, Clause 4; Points a and b, Clause 5, Article 8 of this Decree, the competent persons shall have to apply the measure of seizing material evidences being radioactive sources to put them into radioactive source deposits; seal off the deposits until getting permits from competent state agencies, if the material evidences are irradiation facilities.

The transportation and preservation costs shall be borne by individuals or organizations that manage and/or use radioactive sources or irradiation facilities.

3. Within 10 days after seizing material evidences or means of violations, the persons having issued decisions thereon must handle them by applying measures stated in the handling decisions or return them to the concerned individuals or organizations if the measure of confiscation does not apply. The time limit for seizure of material evidences or means of administrative violations may be prolonged in complicated cases requiring verification but shall not exceed 60 days as from the date such material evidences or means are seized. The prolongation of the time limit for seizure of material evidences or means of violations shall be decided by the persons defined in Clause 1, Article 46 of the 2002 Ordinance on Handling of Administrative Violations.

4. The seizure of material evidences or means of administrative violations must be decided in writing, accompanied with the seizure records which must be handed to the violators or representatives of violating organizations each with one copy thereof.

5. With regard to the seizure of material evidences of violations being radioactive sources or irradiation facilities, apart from the provisions of Clauses 1, 2, 3 and 4 of this Article, the regulations on assurance of radiation safety must also be complied with.

Article 31.- Procedures for confiscation of material

evidences and means of administrative violations

Procedures for confiscation of material evidences and means of administrative violations in the domain of radiation safety and control shall comply with the provisions of Article 60 of the 2002 Ordinance on Handling of Administrative Violations.

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

Procedures for handling of material evidences and means of administrative violations in the domain of radiation safety and control shall comply with the provisions of Article 61 of the 2002 Ordinance on Handling of Administrative Violations and the following provisions:

To apply the measure of destruction in cases where the material evidences or means of violations are the following objects:

1. Goods in violation which may cause harms to people's life and health and the environment;
2. Goods or objects in violation which have no use value.

Article 33.- Execution of sanctioning decisions

1. If past 10 days after receiving sanctioning decisions, the sanctioned individuals or organizations fail to voluntarily execute such decisions, the persons competent to impose sanctions may issue decisions to compel the execution of such decisions.

2. The execution of sanctioning decisions or coercive execution of sanctioning decisions as well as the statute of limitations for execution of sanctioning decisions shall comply with the provisions of Articles 64, 65, 66, 67, 68 and 69 of the 2002 Ordinance on Handling of Administrative Violations and the Government's Decree No. 37/2005/ND-CP of March 18, 2005, prescribing procedures for application of the

measure of compelling the execution of decisions on sanctioning administrative violations.

Chapter IV

SETTLEMENT OF COMPLAINTS AND DENUNCIATIONS, HANDLING OF VIOLATIONS AND COMMENDATION

Article 34.- Complaints, denunciations and settlement thereof

1. Individuals or organizations sanctioned for administrative violations in the domain 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 with competent individuals, agencies or organizations administrative violations in the domain of radiation safety and control, which are committed by other individuals or organizations or denounce illegal acts of persons competent to sanction administrative violations in the domain of radiation safety and control.

3. The competence, time limit and procedures for settling complaints and denunciations shall comply with the order and procedures provided for by law on complaints and denunciations.

Article 35.- Handling of violations committed by persons competent to sanction administrative violations in the domain of radiation safety and control

Persons competent to sanction administrative violations in the domain of radiation safety and control who violate the provisions on sanctioning administrative violations shall be handled according to the provisions of Article 121 of the 2002 Ordinance on Handling of Administrative Violations.

Article 36.- Commendation and discipline

Individuals or organizations recording achievements in the supply of information, detection, prevention or handling of administrative violations in the domain of radiation safety and control shall be commended and/or rewarded according to the State's regulations.

Individuals or organizations governed by the Ordinance on Cadres and Civil Servants, that commit violation acts specified in Chapter II of this Decree shall, apart from being administratively sanctioned, be disciplined according to the provisions of the Ordinance on Cadres and Civil Servants.

Chapter V

IMPLEMENTATION PROVISIONS

Article 37.- Implementation effect

1. This Decree takes effect 15 days after its publication in "CONG BAO."

2. This Decree replaces the Government's Decree No. 19/2001/ND-CP of May 11, 2001, on sanctioning administrative violations in the domain of radiation safety and control.

Article 38.- Responsibilities for implementation of the Decree

1. The Minister of Science and Technology shall have to organize and inspect the implementation of this Decree.

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

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